

<b>MATTHEW RALSTON</b>	:	
	:	
	<b>Plaintiff :</b>	<b>NO: 2:19-cv-01539</b>
<b>v.</b>	:	
	:	
<b>MITCHELL GARABEDIAN, ESQ., et al.</b>	:	
	:	
	<b>Defendants. :</b>	

## I. NATURE OF CASE AND BASIS FOR JURISDICTION

This Court has subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1332. The Defendants are citizens of states other than which the Plaintiff is a citizen. The amount in controversy substantially exceeds the requirement for Federal Diversity Jurisdiction and to guarantee a jury trial, exclusive of interest and costs. This Court has jurisdiction over the parties because the Defendants targeted their specific statements, publications, and tortious conduct at issue in this action directly toward and in Montgomery County, Pennsylvania.

This a defamation action where Plaintiff has sued a former student and his lawyer for sending false and extortionate letters to Plaintiff's former employer, which accused him of

sexually abusing the former student. The former student is Defendant Poulos. The attorney is Defendant Mitchell Garabedian.

Defendant Poulos was born into a family of success and wealth but was unable to meet the expectations of society. Once his mom, Mary Ellen Poulos (his last resort and only true friend), threatened to cut him off after he swindled his trust funds, he told her all of his problems were a result of being “assaulted” at The Hill School where she forced him to attend (where her former U.S. Senator step-father attended).

Mary Ellen then created a life for Kurtis as an alleged victim, putting his apartment next to hers, telling all her friends that all his behavior and criminal problems were because he was “sexually abused” when he was at The Hill School. Poulos went along with it. Then The Hill School sent an email to alumni informing them that they were doing a proactive review of *historical* allegations of sexual abuse because other prominent Ivy-League-feeder-boarding schools were getting hammered (rightfully) in the press during the “Me-too” movement. Poulos saw this and forwarded it to his mom to double down on his new victim role.

Mary Ellen was searching New York Times articles against other boarding schools and stumbled upon an article where Defendant Mitchell Garabedian was quoted. She called him up and Garabedian told her that the individuals who The Hill School hired to do the proactive review (prominent Cozen O’Conner attorneys) are just there “to help them cover it all up.” Mary Ellen then tells Defendant Poulos to call Garabedian and tell his story. Poulos cannot come clean so does what his mother says.

In December 2017, Poulos called Garabedian and fed him the ‘who, what, where, and when.’ Garabedian and Poulos knew the Statute of Limitations had expired by more than 9 years

in Pennsylvania. They signed a contingent fee agreement expressly agreeing that no lawsuit would be filed but that Garabedian would represent Poulos for “claims” against the School.

Months go by and there’s no communication between the Defendants. Then, out of the blue, Garabedian sends a letter to the School in April 2018 reporting Poulos’ claims and demands a million (\$1,000,000.00) dollars from the School accusing Plaintiff of being the abuser. Poulos had no idea the letter was going to be sent. Poulos thought Garabedian would be contacting the School and not identifying the name of the alleged abuser. He also thought he would never have to go public.

The School immediately responds to Garabedian asking for more information so they can investigate the serious charges; but 8 months go by before Garabedian ever contacts them – despite the School’s repeated requests. Finally in December 2018, Poulos’ mom, Mary Ellen, has had enough of Garabedian’s lack of responsiveness to them as well and Ms. Poulos threatens to go to the press or contact the School herself. This gets Garabedian’s attention, and he finally calls the School back. The School asks for more details of Poulos’ claims. A few days later, Garabedian’s associate calls Poulos and has him describe the claims in more detail. This time – the *who*,<sup>1</sup> *where*, and *when* all change compared to the December 2017 intake call. Garabedian’s associate ignores the material issues and sends another letter with more explicit statements accusing Plaintiff of sexually abusing Poulos.

The school responds by telling Plaintiff (who had worked and lived at The Hill School for twenty years and sent his two sons to The Hill School as well), “don’t find yourself alone with a student.” They restricted his access to School and told him he was on his own if a lawsuit was ever filed against them. The School investigated the records they had but they needed to

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<sup>1</sup> Poulos initially reported two abusers.

interview Poulos. Garabedian refused to make Poulos available, instead taking the position “will you agree to a non-confidential mediation if after the investigation, Mr. Poulos is found credible” despite the statute of limitations having run by a decade. This was a non-starter, designed only to help Garabedian’s pockets but avoid actually having any scrutiny to his clients non-existent and fabricated claims. The School pleads with Garabedian to make Poulos available, but Garabedian ignores. The School sends a final letter – “if we don’t hear from you by March 1, we will assume you have no serious interest in this matter.” Garabedian did nothing and still has done nothing.

Plaintiff was tortured with these accusations and the devastation that it caused to his dream job, his mental state, and his family; so he filed suit against Garabedian and Poulos in an attempt to try to repair the damage to his name.

### **III. DAMAGES**

Plaintiff claims monetary damages for the following non-economic items as a result of the publications:

- i. the harm to his reputation;
- ii. emotional distress, mental anguish, humiliation; and
- iii. special injuries.

Plaintiff also claims damages for the harm to his earning capacity, which is approximately \$419,732 to \$782,407 depending on age of retirement – absent the defamation.

Plaintiff also seeks punitive damages against all Defendants for the outrageous and reckless conduct.

#### IV. WITNESSES AND SUBSTANCE OF TESTIMONY

##### Liability Witnesses

- James Schwartzman, Esq., c/o The Beasley Firm, LLC, to testify as an expert regarding the following opinions:
  - 1) Garabedian engaged in the unauthorized practice of law in Pennsylvania violation of Pa. R.P.C. 5.5, which was negligent and reckless;
  - 2) Garabedian is also responsible for his associates, pursuant to Pa. R. P. C. 5.1., who also engaged in the unauthorized practice under the provisions
- Shanin Specter, Esq. c/o The Beasley Firm, LLC, to testify as an expert regarding the following opinions including the basis thereof:
  - 1) Garabedian failed to properly investigate Poulos' claims before publishing the defamatory letters at issue in this action as a reasonably prudent attorney would be expected under the circumstances. An attorney acting reasonably would have rejected Poulos as a client.
  - 2) Garabedian's decision to send the April 2018 letter to the Head of School by U.S. Mail was negligent and showed a reckless indifference to and conscious disregard for the truth and Ralston.
  - 3) The extent of Garabedian's lack of oversight of his associates is outrageous and contributed to the publication of the defamatory letters.
  - 4) Neither Garabedian nor Poulos intended that these statements in their letters to the School lead to any lawsuit or further judicial or quasi-judicial proceeding. Their express written intent was to the contrary and reaffirmed by subsequent conduct.

5) Garabedian's conduct was extreme, outrageous, and recklessly caused Ralston severe emotional injuries.

- Mitchell Garabedian, Esq., c/o Swartz Campbell, LLC; Defendants as of cross.
- Kurtis Poulos, 3239 W. Colony Drive, Milwaukee, WI 53221; Defendant as of cross.
- Nathan Gaul, Esq. c/o Swartz Campbell, LLC; Defendant employee as of cross.
- Daniel Mahoney, Esq. c/o Swartz Campbell, LLC; Defendant employee as of cross.

**Liability and Damages Witnesses**

- Barbara Ziv, M.D. c/o The Beasley Firm, LLC, to testify as an expert regarding the following opinions:
  - 1) Kurtis Poulos' accounts of sexual assault by Matt Ralston are not consistent with the literature regarding memory and trauma.
  - 2) The actions of Matthew Ralston described by Kurtis Poulos do not conform to the behavior of sex offenders.
  - 3) Kurtis Poulos' History is consistent with unspecified personality disorder with borderline, narcissistic, and antisocial traits and pseudologia fantastica.
  - 4) Kurtis Poulos does not meet diagnostic criteria for PTSD.
  - 5) Matthew Ralston's history is not consistent with literature about sex offenders or pedophiles/hebephiles.
  - 6) The actions of Matthew Ralston described by Kurtis Poulos do not conform to the behavior of sex offenders or pedophiles/hebephiles.
  - 7) The emotional, psychological, social, and occupational impact that Mr. Poulos; false allegations have had on Matthew Ralston will likely persist for the remainder of Mr. Ralston's life.

- Matthew Ralston, c/o The Beasley Firm, LLC, will testify about his reputation prior to and after the defamation at issue, the falsity of the defamatory statements, the harm to his reputation, as well as the emotional distress, mental anguish, and humiliation he has sustained. Mr. Ralston will also testify to the intricacies of The Hill School at all pertinent times that further demonstrate the falsity of Poulos' claims. He will also testify to the future lost earnings and inability to regain meaningful employment as a result of the defamation.
- Zachary Brusko. See attached designated deposition testimony.
- Mark Ralston c/o The Beasley Firm, LLC, to testify as to falsity, the reputation of Plaintiff, and impact of the defamatory statements at issue in this lawsuit on Plaintiff.
- Christopher Chirieleison, c/o Thomas Rees, Esq., to testify to his knowledge of The Hill School disciplinary policies in the relevant time periods, the falsity of the statements at issue, Plaintiff's reputation within The Hill Community at all pertinent times, the impact of the defamatory statements on Plaintiff, and Plaintiff's reputation in The Hill School community.
- William Yinger, c/o Thomas Rees, Esq., to testify to the teaching methods of Plaintiff at all pertinent times, the falsity of the statements at issue, Plaintiff's reputation at all pertinent times within The Hill Community as an educator and faculty mentor.
- Christopher Hopkins, c/o The Beasley Firm, LLC, to testify as to the falsity of the statements and defamatory impact of the statements at issue in this lawsuit as well as Plaintiff's reputation as a Dorm Parent and Coach. Mr. Hopkins will also testify to the economic impact of the defamatory statements on Plaintiff's ability to obtain meaningful employment.

- Zachary Lehman. See attached designated deposition testimony.
- Leslie Gomez, c/o Douglas Fox, Esquire., 1650 Market Street, Suite 2800, Philadelphia, PA 19103, to testify to the information that she has pertaining to Defendants' defamatory statements, the attempted correspondence with Defendant Garabedian, Garabedian's lack of correspondence to The Hill School, the requests to interview Poulos, her expertise as a child protection expert, her review of historical allegations of abuse only as it pertains to the lack of any complaint against Plaintiff.
- Thomas Rees, Esq., c/o Paul Troy, Esq. 860 Beech Street, Pottstown, PA 19464, attorney for The Hill School, to testify as to correspondence with, and lack of cooperation from, Defendants, the investigation in Poulos' claims, Plaintiff's reputational harm to The Hill School Community.
- U.S. Navy Cpt. Benjamin Walborn, c/o The Beasley Firm, LLC, to testify to as to Plaintiff's character and reputation in 1993-1997 as a teacher, coach, and advisor including historical circumstances that caused Cpt. Walborn to maintain a friendship with Mr. Ralston. He will also testify to the Plaintiff's reputation and character for all years subsequent to his graduation.

**Damages Witnesses**

- Andrew Verzilli c/o The Beasley Firm, LLC, to testify as an expert as to the economic damages sustained by Plaintiff estimated to be between \$419,732 and \$782,407 depending on age of retirement – absent the defamation.

**V. EXHIBITS**

	<b><i>Item Description</i></b>	<b><i>Bates</i></b>
1.	04/11/18 and 12/26/2018 Letters from Garabedian to The Hill School	P1.1 – P1.4
2.	Expert Report and CV of Shanin Specter, Esq.	P2.1 – P2.15
3.	Expert Report and CV of James C. Schwartzman, Esq.	P3.1 – P3.15
4.	Expert Reports and CV of Barbara Ziv, M.D.	P4.1 -P4.204
	Evaluation of Poulos	P4.1 – 4.46
	Evaluation of Ralston	P4.47 – 4.95
	Appendixes A-G	P4.107 – 4.204
5.	Expert Report and CV of Andrew Verzilli	P5.1 – P5.20
6.	Yearbook Pages 1994 1995 1996 1997 2009	P6.1 – P6.6 P6.7 – P6.13 P6.14 – P6.19 P6.20 – P6.25 P6.26 – P6.230
7.	Plaintiff's Resume 2020	P7.1 – P7.3
8.	Class of '97 Yearbook Photos (formerly P100)	P8.1 – P8.11
9.	Correspondence Re: Departure from Hill	P9.1 – P9.25
10.	Student Evals of Plaintiff	P10.1 – P10.64
11.	Note from Student at Andrews School	P11.1
12.	Letters from Administrators/Colleagues	P12.1 – P12.10
13.	Speech by Chris Howell	P13.1 – P13.2
14.	Ltr. from Zwerner (Poulos' Cousin)	P14.1
15.	Plaintiff Employment records – Leelanau School	P15.1 – 15.78
16.	Hill School Production (K. Poulos)	P16.1 – 16.253
17.	Marquette University – Kurtis Poulos	P17.1 – P17.38

18.	Kurtis Poulos Unofficial Undergraduate Transcript – Marquette University	P18
19.	Marquette University – Mary Ellen Poulos	P19.1 – P19.23
20.	Mary Ellen Poulos Unofficial Transcript – Marquette University	P20.1 – P20.2
21.	Records of Charles Grade (K. Poulos)	P21.1 – P21.22
22.	Plaintiff's Income Tax Returns	P22.1 – P22.88
23.	Mary Ellen Poulos Production	P23.1 – P23.5
24.	Hill School Production - Plaintiff	P24.1 – P24.325
25.	Ph.D. Dissertation Acknowledgement	P25.1 – P25.7
26.	Note from Dismissed Hill Student	P26.1
27.	The Hill School Bulletin references	P27.1 – P27.16
28.	Text Messages Re: Wallace Gundy	P28.1 – P28.2
29.	Upper School East Photo	P29.1 – P29.5
30.	'94 – '95 Geometry Materials	P30.1 – P30.19
31.	'94 – '95 Geometry Student Reviews	P31.1 – P31.49
32.	'94 – '95 Math 4 Student Reviews	P32.1 – P32.55
33.	Campus Map	P33.1
34.	Floor Plans/Permits Upper School Basement – The Hill School	P34.1 – P34.28
35.	Verizon Records, K. Poulos	P35.1 – P35.48
36.	Hill School Leave/Departure Correspondence (2019)	P36.1 – P36.18
37.	American Strategic Insurance Records (Poulos)	P37.1 – P37.226
38.	Medical Records of Lisa Havens (Plaintiff -Psych)	P38.1 – P38.36

39.	Medical Records of Phillip Seimer, M.D.	P39.1 – P39.8
40.	Medical Records of Nathan March, D.O.	P40.1 – P40.601
41.	Medical Records of Pottstown Medical Specialists (Goldberg)	P41.1 – P41.23
42.	Handwritten Notes of Plaintiff	P42.1 – P42.2
43.	State of Maryland Criminal Records – Poulos	P43.1 – P43.8
44.	Milwaukee Circuit Court Criminal Records – Poulos	P44.1 – P44.47
45.	Worcester County Criminal Records – Poulos	P45.1 – P45.95
46.	Affidavit of Kerith Iverson Brand	P46.1 -P46.9
47.	Cozen O’Conner Production	P47.1 – P47.29
48.	Correspondence w/ Hill School (Counsel)	P48.1 – P48.69
49.	Social Security Calculator	P49.1 – P49.2
50.	Andrews School Employment File	P50.1 – P50.29
51.	Cards/Notes to Plaintiff (formerly P8)	P51.1 – P51.224
52.	Capital Giving Office Webpage (formerly P51)	P52.1 – P52.3
53.	Poulos Cumulative correspondence with The Beasley Firm	P53.1 – P53.69
54.	Hill School Supplemental Production (“HILLRAL”)	P54.1-P54.11
55.	Garabedian Production. November, 2020. (“Garabedian”)	P55.1-P55.353
56.	Garabedian File Production. March, 2021. Garabedian_File 1-273 (Poulos File)	P56.1-P56.273
57.	Garabedian File Production. March, 2021. Garabedian_File 274-1244 (Poulos Medical Records)	P57.1-P57.971
58.	Garabedian File Production. March, 2021.	P58.1-P58.609

	Garabedian_File 1245-1853 (Poulos Medical Records)	
59.	Garabedian File Production. March, 2021. Garabedian_File 1854-1960 (Misc. Correspondence)	P59.1-P59.107
60.	Garabedian File Production. March, 2021. Garabedian_Email 1-129 (Emails)	P60.1-P60.129
61.	Leslie Gomez Privilege Log and Documents	P61.1-P61.87
62.	Depositions of Kurtis Poulos (Cumulative) (Transcripts and/or video recording)	P62.1-P62.973
63.	Depositions of Matthew Ralston (Cumulative) (Transcripts and/or video recording)	P63.1-P63.715
64.	Deposition of Mitchell Garabedian, Esq. (Transcript and/or video recording)	P64.1-P64.353
65.	Deposition of Daniel Mahoney, Esq. (Transcripts and/or video recording)	P65.1-P65.174
66.	Deposition of Nathan Gaul, Esq. (Transcript and/or video recording)	P66.1-P66.72
67.	Deposition of Mary Ellen Poulos (Transcript and/or video recording)	P67.1-P67.239
68.	Deposition of Zachary Brusko (Transcript and/or video recording)	P68.1-P68.101
69.	Deposition of Charles Grade, M.D. (Transcript and/or video recording)	P69.1-P69.138
70.	Deposition of Mark Ralston (Transcript and/or video recording)	P70.1-P70.55
71.	Deposition of Mary Beth Ralston (Transcript and/or video recording)	P71.1-P71.99
72.	Deposition of Christopher Chiriesion (Transcript and/or video recording)	P72.1-P72.56
73.	Deposition of William Yinger (Transcript and/or video recording)	P73.1-P73.101

	recording)	
74.	Deposition of Christopher Hopkins (Transcript and/or video recording)	P74.1-P74.113
75.	Deposition of Zachary Lehman (Transcript and/or video recording)	P75.1-P75.178
76.	Deposition of Leslie Gomez (Transcript and/or video recording)	P76.1-P76.254
77.	Deposition of Thomas Rees (Transcript and/or video recording)	P77.1-P77.334
78.	Deposition of Andrew Verzilli (Transcript and/or video recording)	P78.1-P78.96
79.	Deposition of Shanin Specter, Esq. (Transcript and/or video recording)	P79.1-P79.361
80.	Deposition of Barbara Ziv, M.D. (Transcript and/or video recording)	P80.1-P80.660
81.	Deposition of Robert Tintner, Esq. (Transcript and/or video recording)	P81.1-P81.75
82.	Deposition of Clifford Haines, Esq. (Transcript and/or video recording)	P82.1-P82.70
83.	Deposition of Frank Fetterolf, M.D. (Transcript and/or video recording)	P83.1-P83.87
84.	Deposition of Ben Walborn (Transcript and/or video recording)	P84
85.	Expert Report and CV of Robert Tintner, Esq.	P85.1-P85.24
86.	Expert Report and CV of Clifford Haines, Esq.	P86.1-P86.13
87.	Expert Report and CV of Gladys Fenichel, M.D.	P87.1-P87.37
88.	Expert Report and CV of Frank Fetterolf, M.D.	P88.1-P88.21
89.	Expert Report and CV of Stephen Scherf, CPA	P89.1-P89.38
90.	Expert Report and CV of Michael Smychynsky, MBA	P90.1-P90.9

91.	Plaintiff's Cumulative Responses to Discovery	P91.1-P91.44
92.	Defendants' Cumulative Responses to Discovery	P92.1-P92.356
93.	Plaintiff's Discovery Requests to Defendant Poulos	P93.1-P93.65
94.	Defendant Poulos' Answer to Second Amended Complaint	P94.1-P94.13
95.	Defendant Poulos' Motion to Dismiss SAC	P95.1-P95.5
96.	Defendant Poulos' Motion for Judgment on the Pleadings	P96.1-P96.2
97.	Defendant Poulos' Motion for Protective Order	P97.1-P97.5
98.	Defendant Poulos' Cross-Claim Against Defendant Garabedian	P98.1-P98.12
99.	Defendant Poulos' Motion for Summary Judgment	P99.1-P99.31
100.	Any Exhibits Identified by Defendants	
101.	Demonstratives	

## **VI. ESTIMATED TRIAL LENGTH**

Plaintiff anticipates that trial in this matter requires 6-7 days.

## **VII. SPECIAL COMMENTS**

Counsel for the parties are working to coordinate certain non-party witnesses to appear remotely to the extent necessary and possible.

## **VIII. STIPULATIONS OF COUNSEL**

1. The Garabedian Defendants published the letters/statements at issue.
2. The letters/statements at issue are of and concerning the Plaintiff.

## **IX. DEPOSITION TESTIMONY**

Zachary Brusko. See designations attached as Exhibit "A."

Zachary Lehman. See designations attached as Exhibit “B.”

Mitchell Garabedian. See designations attached as Exhibit “C.”

**X. Plaintiff demands a jury trial.**

**THE BEASLEY FIRM, LLC**

BY: /s/ Lane R. Jubb, Jr.

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LOUIS F. TUMOLO ESQUIRE  
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Pa. I.D. No. 319272

Dated: 21 December 2021

**CERTIFICATE OF SERVICE**

I, Lane R. Jubb, Esquire, hereby certify that a true and correct copy of the foregoing was served, via electronic filing upon the following:

Jeffrey B. McCarron, Esquire  
Candidus K. Dougherty, Esquire  
Swartz Campbell LLC  
One Liberty Place, 38<sup>th</sup> Floor  
1650 Market Street  
Philadelphia, PA 19103  
*Attorneys for Defendants, Mitchell Garabedian, Esq. and  
Law Offices of Mitchell Garabedian*

I, Lane R. Jubb, Jr., Esquire, hereby certify that a true and correct copy of the foregoing was served, via Electronic mail and U.S. Mail upon the following:

Kurtis N. Poulos  
3239 W. Colony Drive  
Milwaukee, WI 53221

/s/ Lane R. Jubb, Jr.  
LANE R. JUBB, JR., ESQUIRE

Date: 21 December 2021

Exhibit "A"  
Deposition Designations of  
Zachary Brusko

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**MATTHEW RALSTON**

**Plaintiff :**

**NO: 2:19-cv-01539**

**v.**

**MITCHELL GARABEDIAN, ESQ., et al.**

**Defendants. :**

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**PLAINTIFF'S DEPOSITION DESIGNATIONS OF ZACHARY BRUSKO**

1. 8:5-10:10
2. 10:22-12:16
3. 18:18-22:8
4. 22:23-24:5
5. 25:23-26:13
6. 27:7-10
7. 27:21-28:19
8. 29:13-18
9. 29:21-30:18
10. 31:7-24
11. 33:12-35:20
12. 36:5-24
13. 37:4-38:1
14. 38:18-39:4
15. 39:14-40:1

- 16. 48:18-23
- 17. 49:18-50:1
- 18. 50:17-23
- 19. 51:10-23
- 20. 52:1-12
- 21. 65:23-66:14
- 22. 71:12-72:4

**THE BEASLEY FIRM, LLC**

BY: /s/ Lane R. Jubb, Jr.  
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Pa. I.D. No. 319272

Dated: 21 December 2021

Zachary Brusko

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3 No. 2:19-cv-01539

4 \*\*\*\*\*

5 JOHN DOE,  
6 Plaintiff,  
7 v.

8 MITCHELL GARABEDIAN, ESQ. LAW  
9 OFFICES OF MITCHELL GARABEDIAN  
10 and KURTIS N. POULOS,  
11 Defendants.

12 \*\*\*\*\*

13  
14 Remote via Zoom Videotaped  
15 Deposition of ZACHARY BRUSKO, held at the  
16 location of the deponent in Bethel,  
17 Connecticut, commencing at 5:13 p.m., on the  
18 9th of December, 2020, before Maureen  
19 O'Connor Pollard, Registered Diplomate  
20 Reporter, Realtime Systems Administrator,  
21 Certified Shorthand Reporter.

22 - - -

GOLKOW LITIGATION SERVICES  
23 877.370.3377 ph | 917.591.5672 fax  
deps@golkow.com

24

Zachary Brusko

1 APPEARANCES: ALL PARTIES APPEARED REMOTELY  
2 FOR THE PLAINTIFF:

3 LANE JUBB, ESQ.

4 THE BEASLEY FIRM, LLC

5 1125 Walnut Street

6 Philadelphia, Pennsylvania 19107

7 215-592-1000

8 lane.jubb@beasleyfirm.com

9

10 FOR THE GARABEDIAN DEFENDANTS:

11 CANDIDUS K. DOUGHERTY, ESQ.

12 SWARTZ CAMPBELL, LLC

13 300 Delaware Avenue

14 Washington, Delaware 19801

15 302-656-5935

16 cdougherty@swartzcampbell.com

17

18 Appearing Pro Se:

19 KURTIS POULOS

20 3239 W. Colony Drive

21 Greenfield, Wisconsin 53221

22 262-330-4604

23

24 Videographer: James Vonwiegen

## Zachary Brusko

1	INDEX		
2	EXAMINATION		PAGE
3	ZACHARY BRUSKO		
4	BY MR. JUBB		5
5	BY MS. DOUGHERTY		51
6	BY MR. POULOS		77
7	BY MS. DOUGHERTY		83
8			
9			
10	E X H I B I T S		
11	NO.	DESCRIPTION	PAGE
12	D-1	E-mail chain.....	84
13	D-2	4/23/16 letter from The Hill School to Hill School Alumni and Parents.....	84
14			
15	P6.12	Page 172 of yearbook.....	19
16	P33.1	Map of The Hill School campus.....	14
17			
	P34.1	Hill School blank schedule form.....	47
18			
19			
20			
21			
22			
23			
24			

Zachary Brusko

1 P R O C E E D I N G S

2

3 THE VIDEOGRAPHER: We are now  
4 on the record. My name is James  
5 Vonwiegen, I'm a videographer for  
6 Golkow Litigation Services.

7 Today's date is December 9th,  
8 2020, and the time is 5:13 p.m.

9 The remote video deposition is  
10 being held in the matter of Doe versus  
11 Garabedian, et al, for the United  
12 States District Court for the Eastern  
13 District of Pennsylvania.

14 The deponent is Zachary Brusko.

15 All parties to the deposition  
16 are appearing remotely and have agreed  
17 to the witness being sworn in  
18 remotely.

19 Due to the nature of remote  
20 reporting, please pause briefly before  
21 speaking to ensure all parties are  
22 heard completely.

23 Counsel will be noted on the  
24 stenographic record.

Zachary Brusko

1                   The court reporter is Maureen  
2           Pollard, and will now swear in the  
3           witness.

4  
5                   ZACHARY BRUSKO,  
6           having been duly remotely sworn, was examined  
7           and testified as follows:

8                   EXAMINATION

9           BY MR. JUBB:

10           Q.       Good evening. Mr. Brusko, am I  
11           saying your name correctly? Is it Brusko or  
12           Brusko?

13           A.       Brusko.

14           Q.       Thank you.

15                   I'm going to go over a couple  
16           of things instructions-wise for purposes of  
17           this deposition so that you and I are both on  
18           the same page.

19                   My name is Lane Jubb. I  
20           represent the plaintiff in this case. And  
21           this is a deposition where you've taken an  
22           oath very similar -- strike that. It's  
23           analogous to the same oath that you would  
24           take in a courtroom.

Zachary Brusko

1 reporter, if you could just wait that extra  
2 half a second until I'm finished before you  
3 give your answer, that would be really  
4 appreciated.

5 Have you ever given a  
6 deposition before?

7 A. No, I have not.

8 Q. Okay. Where are you currently  
9 today?

10 A. Bethel, Connecticut.

11 Q. How long have you been in  
12 Bethel?

13 A. Three years, three and a half  
14 years, something like that.

15 Q. What do you do for a living?

16 A. I'm a high school teacher.

17 Q. What high school?

18 A. St. Luke's School in New  
19 Canaan, Connecticut.

20 Q. You said New Canaan?

21 A. Yeah.

22 Q. And what do you teach?

23 A. Computer science.

24 Q. Do you do any other coaching,

Zachary Brusko

1 or have any other administrative roles at  
2 St. Luke's?

3 A. I coach middle school  
4 cross-country as an assistant, and I am a  
5 varsity cohead coach for ice hockey in the  
6 winter.

7 Q. Can you give us the CliffsNotes  
8 on your educational background, please?  
9 Where did you go to high school?

10 A. The Hill School, Pottstown,  
11 Pennsylvania. I have a -- sorry.

12 Q. Sorry.  
13 What year did you graduate  
14 middle school?

15 A. 1997.

16 Q. Where did you go after Hill  
17 School?

18 A. Hobart College in Geneva, New  
19 York.

20 Q. When did you graduate Hobart?

21 A. 2001.

22 Q. Following your graduation from  
23 Hobart, what did you do next?

24 A. I went to work at The Hill

Zachary Brusko

1 School in -- I started in 2001 right after  
2 graduation.

3 Q. So immediately after college  
4 you went back to The Hill School?

5 A. Correct.

6 Q. What did you do at The Hill  
7 School in 2001, beginning?

8 A. I started working -- my main  
9 job that year was student schedules, managing  
10 student records.

11 Q. When you say "student  
12 schedules," are you referring to coordinating  
13 classes and -- students and what classes they  
14 should take and things like that?

15 A. Correct. We had someone who  
16 was in charge of the actual decision-making  
17 process working with the kids, working with  
18 the families. I basically that first year  
19 just did the software end of it of putting  
20 the master schedule together based on the  
21 information I was given from my bosses.

22 Q. Okay. How long were you at The  
23 Hill School for purposes of a member of the  
24 staff or faculty?

Zachary Brusko

1           A.       I worked there for 13 school  
2   years.

3           Q.       So you left in approximately  
4   2014?

5           A.       Yes.   It was June, this is --  
6   I've been gone seven -- yeah, that sounds  
7   right.

8           Q.       And after you left The Hill  
9   School, where did you go?

10          A.       I went to a private school in  
11   Alabama called Bayside Academy.

12          Q.       And what did you do there?

13          A.       I taught full-time computer  
14   science -- well, it was more like computer  
15   applications, or I don't really know what  
16   you'd call it, but it was computer-related  
17   teaching for a year.

18          Q.       So with respect to your time in  
19   high school at The Hill School, in what year  
20   did you begin attending The Hill School?

21          A.       Fall of 1994.

22          Q.       And did you enter as a freshman  
23   or a third form?

24          A.       Sophomore.

Zachary Brusko

1 Q. Would that have been fourth  
2 form?

3 A. Yes.

4 Q. Where did you reside  
5 permanently at that time?

6 A. Like my family?

7 Q. Yes.

8 A. It was in Whitehall,  
9 Pennsylvania.

10 Q. Were you a dorm student at that  
11 time?

12 A. I was.

13 Q. Do you recall what dorm you  
14 lived in your fourth form year?

15 A. Yes, Upper School East, first  
16 floor.

17 MS. DOUGHERTY: Does somebody  
18 have a television or something on in  
19 the background? Am I the only one  
20 that hears speaking in the background?

21 MR. JUBB: I hear a tiny bit of  
22 something, but it's not in any way  
23 impeding what I'm trying to do.

24 ///

Zachary Brusko

1 roommate was?

2 A. I had a triple. It would have  
3 been Eugene Martinsen and Kevin Sy.

4 Q. Were those roommates that were  
5 assigned to you as a first-year student, or  
6 did you have an opportunity to know these  
7 individuals before coming to The Hill School?

8 A. No, we were all new. Actually,  
9 Gene and I were roommates assigned by the  
10 school. We did not know each other. And  
11 then at some point during the year Kevin, for  
12 whatever reason I actually don't remember, I  
13 guess he wasn't getting along with his  
14 roommate, he moved in and we became a triple,  
15 because we had a big room. But I knew him  
16 when he moved in, but we didn't know him  
17 prior to the school year.

18 Q. During the fourth form year, do  
19 you recall whether or not an individual by  
20 the name of Kurtis Poulos was on your dorm  
21 floor?

22 A. Yes.

23 Q. I'm going to show you something  
24 here.

Zachary Brusko

1                   For the record, this has been  
2                   marked already P6.12.

3                   (Whereupon, Plaintiff's Exhibit  
4                   Number P6.12 was marked for  
5                   identification.)

6           BY MR. JUBB:

7           Q.       Mr. Brusko, what does this  
8           appear to be?

9           A.       This looks like our dorm photo,  
10           or yearbook photo.

11          Q.       And are you in this?

12          A.       I am.

13          Q.       Can you tell us where?

14          A.       I'm in the second row from the  
15                   bottom on the right sitting with a black  
16                   shirt, kind of hunched over a little bit.

17          Q.       When was the last time you've  
18                   seen this?

19          A.       Oh, I don't know.   That's a  
20                   good question.   Ten or more years.   It's been  
21                   a long time.

22          Q.       Do you stay in touch with any  
23                   of the guys in this photo?

24          A.       No, there's nobody in this

Zachary Brusko

1 photo I've spoken to in a very long time.

2 Q. Okay. And in this photo, do  
3 you see anywhere where Mr. Poulos is  
4 depicted?

5 A. I think he's right in front of  
6 me.

7 Q. At any point in -- strike that.  
8 Do you have any recollections  
9 of interacting with Mr. Poulos during your  
10 fourth form year?

11 A. Yeah, I mean, we were friendly.  
12 It's such a long time ago, I don't remember a  
13 lot of specifics. I feel like there were  
14 times we were potentially playing video games  
15 in Chris Drowne's apartment, general dorm  
16 thing. I don't know. It's such a long time  
17 ago, I don't want to -- I don't have clear  
18 remembrances of specific instances, but I  
19 mean, I know we were friendly. I know he was  
20 there.

21 Q. At any point in time during  
22 your fourth form year, did you come to learn  
23 of a teacher named Matthew Ralston?

24 A. Yes.

Zachary Brusko

1 Q. Can you tell us what  
2 Mr. Ralston's reputation was during your  
3 fourth form year?

4 A. I don't know. I knew him from  
5 cross-country. I was on the lowest level  
6 cross-country team, and I'm fairly certain he  
7 was maybe a varsity coach of some kind. I  
8 think he was well-liked, but, you know, I was  
9 new and didn't have him as a teacher.

10 But I don't -- I wouldn't say  
11 anything other than he was somewhat popular,  
12 I would say, well-known and well-liked. But  
13 I didn't know him well at that time.

14 Q. Eventually during your --  
15 strike that. Let me back up.

16 At any point in time during  
17 your fourth form year, did you ever notice  
18 anything that in your mind suggested that  
19 Mr. Poulos was in any way not okay, or that  
20 anything inappropriate was going on with him  
21 and a member of the faculty?

22 MS. DOUGHERTY: Objection.

23 BY MR. JUBB:

24 Q. Did you say no?

Zachary Brusko

1           A.       I didn't answer.   Should I  
2   answer that?

3           Q.       Yes, please.

4           A.       I don't recall, no.   I don't  
5   recall ever seeing that.

6           Q.       And during your fifth form  
7   year, do you recall what dorm you were in?

8           A.       Middle School.

9           Q.       Was -- is Middle School on the  
10   map that I had shown you?

11          A.       No.   I think that's a newer  
12   map.   There's a different building in its  
13   place.

14          Q.       And what building would that  
15   be?

16          A.       It was directly opposite.  
17   Although the academic center is the one  
18   that's there now, I don't remember the  
19   number, it's directly opposite Upper School  
20   in the quad, with the chapel and library on  
21   the sides.

22          Q.       Who was going -- strike that.

23                   Who was your roommate that  
24   year?

Zachary Brusko

1           A.       Well, I basically ended up  
2       having a single that year, but Kurtis was my  
3       roommate for the first few days of school.

4           Q.       And during the first few days  
5       of school, what do you recall about your  
6       interactions with Mr. Poulos then?

7           A.       I really don't remember. It  
8       was 25 years ago. It was only a few days.  
9       But I don't necessarily remember anything out  
10      of the ordinary from what would have been the  
11      opening of the school year.

12          Q.       It's my understanding that  
13      Mr. Poulos left. Did you have any knowledge  
14      as to why Mr. Poulos left?

15          A.       Not really. It was my  
16      understanding, I think, at the time that it  
17      was something back home that he needed to be  
18      home for. I don't really remember the  
19      details, or I don't know if I was ever even  
20      told the details.

21                   I do -- I just -- it's a little  
22      fuzzy, but my remembrance was basically there  
23      was some reason at home, something at home,  
24      family-related or something. I'm not

Zachary Brusko

1 certain.

2 Q. Did you and Mr. Poulos ever  
3 discuss any of his family issues at home?

4 A. Not with any detail, no. Not  
5 specifically, no.

6 Q. So when you learned that he was  
7 going to essentially -- strike that.

8 How did you learn, if you can  
9 recall, how he was going to be leaving?

10 A. I don't know. I don't know if  
11 he told me that he was thinking about  
12 leaving. I don't know if he told me that he  
13 was leaving. I don't remember him actually  
14 leaving. My assumption is he would have told  
15 me, and there would have been a moving out  
16 process. I can't imagine I came back from  
17 class one day and he was gone.

18 Q. What do you recall, if  
19 anything, about any of the discussions with  
20 Mr. Poulos with respect to him leaving and  
21 you having a single, if any?

22 A. I remember he left a number of  
23 things behind that I was able to use for the  
24 year. But beyond that, I was hoping to keep

Zachary Brusko

1 a single for the year. I remember I didn't  
2 want the school to put somebody else in  
3 there.

4 But in terms of those  
5 details -- obviously I must have known,  
6 because it was a different time, we didn't  
7 have cell phone and e-mail and things like  
8 that. So clearly he left some things behind  
9 that we had spoken about me keeping for the  
10 year. But beyond that, I don't know.

11 Q. And when you say "keeping for  
12 the year," why does the year stand out in  
13 your mind of just him giving you his stuff?

14 A. You know, I don't remember. I  
15 do feel like at the time I probably thought I  
16 was just keeping those, because I didn't  
17 actually know if he was coming back or not.  
18 So I shouldn't say for the year because at  
19 that time there was no understanding that he  
20 would be coming back, which he did, I  
21 believe, for senior year. So maybe I  
22 shouldn't have said for the year.

23 Q. When he came back, do you have  
24 any recollection of speaking with Mr. Poulos

Zachary Brusko

1       when he returned?

2               A.       Yeah, okay, so this is starting  
3       to become a little clearer.

4               Yeah, I do remember, because he  
5       did want some of his items back.   We didn't  
6       live together, he was in a different -- I was  
7       a prefect back in Upper School.   And he did  
8       take some of his items back, if I recall.

9               Q.       In other words, he came back  
10      and said, "hey, you've got my stuff, I'd like  
11      it back," or something to that extent?

12              A.       That was the effect.   I don't  
13      remember the conversation.

14              Q.       Did you have any friendly  
15      relationship with Mr. Poulos during the sixth  
16      form year?

17              A.       You know, we were in different  
18      dorms with different, you know, different  
19      circles there.   I would say we were friendly,  
20      but I don't really recall spending much time  
21      together given my prefect duties.

22                      There was a bit of a separation  
23      at those times between prefects who lived in  
24      under-form dorms and the rest of the senior

Zachary Brusko

1 class.

2 So I don't know, I don't -- I  
3 wouldn't say we were friends, but we  
4 certainly weren't estranged. I mean, we were  
5 friendly, or we'd say hello or something like  
6 that, if I recall.

7 Q. During your fifth form year,  
8 did you ultimately end up having a single  
9 that whole year?

10 A. I did.

11 Q. Did you ever have any reason to  
12 interact with Mr. Ralston during your fifth  
13 form year?

14 A. I don't know. I didn't run  
15 cross-country, was not in the same dorm, did  
16 not have any classes with him, so I can't  
17 imagine our paths crossed very often. I  
18 don't think we sat at the same table for  
19 meals or anything. I don't think we crossed  
20 paths at all that year.

21 Q. During your sixth form year,  
22 where did you live?

23 A. Upper School East, but this  
24 time on the second floor.

Zachary Brusko

1 Q. What are the roles of a  
2 prefect?

3 A. Similar to what an RA would be  
4 at a university, but maybe a little more  
5 strict. We would do nightly check-ins, make  
6 sure kids were lights out, monitor study  
7 hall, make sure they were quiet in their  
8 rooms, that kind of thing.

9 Q. Do you remember who your  
10 prefect was the fourth form year on 1 Upper  
11 School East?

12 A. We had Eric Weston. We had two  
13 twin brothers -- no, not two twin brothers.  
14 Down at the opposite end of my hall was Matt  
15 Adukaitis and Colin Dougherty, he had a twin  
16 brother, and I forget which was which, if  
17 Colin was on our floor or a different floor.  
18 And then across from me was a Jason Boyd and  
19 Eric Weston.

20 MR. POULOS: Jason was  
21 Apartment, right? That was his  
22 nickname?

23 THE WITNESS: Yes, that's  
24 right.

Zachary Brusko

1 BY MR. JUBB:

2 Q. And in other words, Mr. Weston  
3 and Mr. Adukaitis were the prefects on 1  
4 Upper School East, is that right?

5 A. Well, there were four.

6 Q. There were four prefects  
7 actually?

8 A. So -- yeah. So Eric and Jason  
9 were roommates, and then the other two  
10 were -- I think it was Colin and Matt  
11 Adukaitis, if I remember -- if I'm  
12 pronouncing that the way I remember it.

13 Q. And would the prefects have any  
14 role, like you said, in enforcing, you know,  
15 nightly check-ins, observing the students to  
16 make sure that they're complying with room  
17 checks and things and whatnot?

18 A. Yeah, that was their main job.

19 Q. If a student ever had any sort  
20 of concerns -- let me ask you this.

21 What type of relationship would  
22 prefects have with the younger formers?

23 A. Obviously it would vary. I  
24 think the purpose was to be big brotherly,

Zachary Brusko

1     you know, role model, but also -- I mean, at  
2     that time at an all boys boarding school, I  
3     don't know what the word is, I wouldn't say  
4     like -- you know, just the way a big brother  
5     might -- I don't want to say intimidate, but  
6     kind of -- I don't know. I don't know what  
7     I'm saying. I think it was big brotherly,  
8     some were close, some were not, some would  
9     try to be intimidating in their role, some  
10    would not. It varied.  
11                 I found them to be not  
12    particularly intimidating. They were kind of  
13    big brotherly. Jason and Eric would let me  
14    stay up late sometimes and let me watch  
15    Beavis and Butt-Head with them. So sometimes  
16    they would break the rules. I mean, they had  
17    various levels of competency in their duties  
18    from person to person.

19               Q.     Okay. During your sixth form  
20    year when you were a prefect, did you have  
21    any recollection of having Mr. Ralston as  
22    either a coach, a teacher, or a table head?

23               A.     I don't. Well --

24               Q.     And -- sorry to interrupt you.

Zachary Brusko

1           A.       I'm just thinking. I don't. I  
2       don't remember all of my table heads over the  
3       years. But again, I was out of  
4       cross-country, I think he was also involved  
5       in track which I didn't run. I never had him  
6       as a classroom teacher.

7           Q.       During your fifth form year and  
8       your sixth form year, what was Mr. Ralston's  
9       reputation like, if anything different from  
10      what it was during your fourth form year?

11          A.       I don't think it was any  
12      different. I believe he was in one of the  
13      senior dorms of Rolfe perhaps. So, you know,  
14      I know kids liked him, but, again, I didn't  
15      get over there very often, so I didn't -- I  
16      didn't have a personal sense other than,  
17      again, just a general -- he wasn't someone I  
18      heard people complain about that they didn't  
19      like.

20          Q.       And ultimately when you  
21      rejoined the school, did your role -- was  
22      that considered faculty member, or was that  
23      considered staff at the time?

24          A.       It was staff at the time.

Zachary Brusko

1 faculty position, which is why I was a table  
2 head. And also I taught -- I co-taught  
3 part-time. Like one class I co-taught, so I  
4 didn't have my own class at the time.

5 Q. Did you have any coaching  
6 responsibilities?

7 A. I had been coaching varsity  
8 girls ice hockey, and that's it for coaching.  
9 I did some other things in athletics. I did  
10 timing track meets and things like that, but  
11 I didn't coach anything else.

12 Q. When you rejoined The Hill  
13 School following your graduation from Hobart,  
14 did you have occasion to interact with  
15 Matthew Ralston?

16 A. So he was at the time, I don't  
17 know the exact title, academic dean, or dean  
18 of studies, dean of studies, something along  
19 those lines, director of studies, and he was  
20 leaving that position and was being replaced  
21 by someone who didn't want to do the things  
22 that I was hired for. So he was going in,  
23 but didn't have the technical background,  
24 didn't want to manage the student data,

Zachary Brusko

1 didn't want to do the scheduling, didn't want  
2 to do the computer side of it.

3 So when I went back, Matt was  
4 one of the main people I interviewed with  
5 because I was taking over, you know,  
6 25 percent of his job, something like that.

7 Q. Okay. And did you have any  
8 other interactions with him throughout your  
9 time at The Hill School?

10 A. As an employee?

11 Q. Yes, sir.

12 A. So early on, you know, we  
13 worked a little bit together as he was  
14 teaching me the ropes. But after my first  
15 year we switched software systems, and I kind  
16 of took over and ran with whatever my role  
17 was. After that he was friendly with the  
18 people in my office so I would see him from  
19 time to time, but we didn't -- we never lived  
20 in the same building, we never coached  
21 together. But obviously, you know, I got to  
22 know him a little bit simply just because of  
23 his connection to the office.

24 Q. During your time coming back to

Zachary Brusko

1 The Hill School as an employee through the  
2 time of Mr. Ralston's departure in around the  
3 2009-2010 time frame, did you have an  
4 understanding as to what his reputation was  
5 like amongst your staff and faculty  
6 colleagues?

7 A. He was well-liked and respected  
8 from what I could tell. I mean, he had an  
9 administrative role, he coached, dorm.  
10 You're at a school like that long enough you  
11 tend to do a little bit of everything, and so  
12 everybody knew him fairly well from what I  
13 could tell.

14 Q. At any point in time during  
15 your time as a student as well as the time as  
16 a faculty member at The Hill School, are you  
17 aware of any complaint or rumor or anything  
18 of the sort pertaining to Mr. Ralston in any  
19 way being inappropriate with a student?

20 A. No.

21 Q. As part of the responsibilities  
22 of the table head, it's my understanding that  
23 there were three semesters that were broken  
24 up into two parts, the six total grading

Zachary Brusko

1 periods if you will, and that every grading  
2 period you'd rotate the tables. Is that  
3 consistent with your recollection?

4 A. Yes.

5 Q. When you serve as a table head,  
6 do you check students in, or is there any  
7 sort of attendance process?

8 A. It's the same kids for five,  
9 six weeks, so you tend to know who they are.  
10 So we would take attendance and report if  
11 they weren't there, but there wasn't a  
12 formal -- at the time there may have been  
13 little cards that were put on the tables and  
14 you would write names of kids who were  
15 absent. That might have been part of it.  
16 But it wasn't -- it was just you're seeing  
17 who is there and you would jot down names and  
18 it on the card, or you would e-mail the  
19 deans. When I was -- as a table head, by  
20 then obviously we had e-mail.

21 But it was the meal would  
22 start, everyone would come to the table, we'd  
23 sit down together, they'd have their little  
24 blessing and announcements and things, and it

Zachary Brusko

1 wasn't like a formal check in per se, but  
2 attendance was taken.

3 Q. Was -- strike that.

4 To the extent that attendance  
5 was taken and it was required, would there be  
6 demerits issued if a student did not attend a  
7 meal?

8 A. Yes, I believe there was a  
9 punishment.

10 Q. During your time there as a  
11 table head, was it ever a situation where a  
12 student could show up and simply check in and  
13 leave?

14 A. Yes, but they would have to  
15 provide a legitimate reason. And every --  
16 you know, every table head would interpret  
17 the rules differently. But if someone came  
18 and said during lunch, "I've got a big test  
19 next period, can I leave early," from time to  
20 time I would say yes to that.

21 Q. And when you say -- I'm sorry.

22 A. Not every day. The expectation  
23 is they're at the meals. So there's always  
24 exceptions if you're trying to be nice to the

Zachary Brusko

1 kids.

2 Q. To the extent that someone were  
3 to, in your -- strike that.

4 Based on your experience, can  
5 you ever recall a situation where a student  
6 would simply show up, listen to the  
7 announcements, and then be permitted to  
8 leave?

9 MS. DOUGHERTY: Objection.

10 Are you asking when he was a  
11 table head, or when he was at school?

12 MR. JUBB: Yes, I am.

13 MR. POULOS: Which one?

14 MR. JUBB: The former.

15 BY MR. JUBB:

16 Q. So I'll clarify because I  
17 understand the request there.

18 At the time that you were  
19 personally a table head, was there ever an  
20 occasion that you can recall where students  
21 could simply show up for an entire list,  
22 listen to the announcements, and then leave?

23 A. If it was my table, I certainly  
24 wouldn't have let that happen without -- if

Zachary Brusko

1 the student hadn't made some prior  
2 arrangements. So if it was every day, I  
3 certainly would have said something to the  
4 deans about it.

5 Q. And do you believe that your  
6 practices were consistent with those of your  
7 colleagues and the faculty?

8 A. I would assume. But I can't  
9 say for certain what other people did, but  
10 that's what we were supposed to do, so...

11 Q. And when you were a student in  
12 your fourth form year, if in any way --  
13 strike that.

14 When you were a student during  
15 your time at The Hill School, were meals also  
16 required?

17 A. Yes, I think we had more  
18 required meals then, more required dinners  
19 then when I was a student. And even we had  
20 required breakfast for a little bit of time  
21 when I was there.

22 Q. And if you missed a breakfast,  
23 lunch, or dinner, would you receive a  
24 demerit?

Zachary Brusko

1           A.       Yeah.

2           Q.       During your time as a student  
3           at The Hill School, were you able to go to  
4           the dining hall, listen to the announcements,  
5           and leave?

6           A.       Not that I can recall. I mean,  
7           I would --

8           Q.       Sorry.

9           A.       I'm sure I and others had asked  
10          to be let go early at times, but there would  
11          be a conversation there. If someone -- you  
12          don't just get up and go.

13          Q.       Is the understanding -- strike  
14          that.

15                   Was the expectation that the  
16          students would be staying through the meal?

17          A.       Yes. I think different table  
18          heads had different rules. But I think the  
19          general rule for dinners -- I believe there  
20          was a dessert course, I think the general  
21          rule is that you would stay at least until  
22          dessert was served. But again, there's  
23          always exceptions. People would be leaving  
24          at any time -- once you reached kind of a

Zachary Brusko

1           A.       I don't know. There was a time  
2       when they didn't, and I don't remember if  
3       that was when I was a student, or if that was  
4       when I was -- I think when I was an employee  
5       they used to rotate, but as a student I'm not  
6       certain they rotated every week. I could be  
7       wrong. I just don't remember.

8           Q.       Okay. Based off of this  
9       schedule, which is a blank template for The  
10      Hill School class schedule, am I correct that  
11      the E period would never fall at the end of  
12      the day?

13                   MS. DOUGHERTY: Objection.

14           A.       I mean, looking at that, yes.  
15      But I'm not certain that that's the same as  
16      it would have been back then.

17      BY MR. JUBB:

18           Q.       With respect to the athletic  
19      requirements in the time when you were a  
20      student, it's my understanding that all  
21      students had a required athletic program to  
22      attend.

23           A.       Correct.

24           Q.       Do you recall how long students

Zachary Brusko

1 had -- strike that.

2 What sports did you do?

3 A. As a sophomore I ran  
4 cross-country in the fall. I was injured  
5 early in the season, so then things got  
6 weird. I played hockey in the winter, ice  
7 hockey in the winter.

8 In the spring I got a special  
9 exemption because of my knee injury from  
10 cross-country where I was allowed to use the  
11 weight room. Usually that's just for juniors  
12 and seniors, but they let me as a senior as a  
13 varsity hockey player and someone with a -- I  
14 don't want to call it a preexisting  
15 condition, but whatever. I managed to  
16 convince them not to make me do a -- play a  
17 sport.

18 Q. Would a student receive a  
19 demerit if they didn't attend a sport?

20 A. Yeah. I mean, the varsity  
21 level, it's a different conversation if a kid  
22 doesn't show up to practice. But your  
23 standard JV level or activities, I would  
24 think it would be somewhat common for kids to

Zachary Brusko

1 just skip one day and take their demerit.

2 Q. Do you recall a time -- strike  
3 that.

4 When you were a student, can  
5 you recall approximately how long there was  
6 between the end of class and when sports were  
7 expected to kick off?

8 A. I think it would vary by season  
9 and by level. With hockey we would practice  
10 in the evenings simply because we had to get  
11 multiple teams through the rink.

12 But normal after school, for  
13 sports that started right after school, my  
14 guess would be maybe not more than 20 minutes  
15 or so. It would end at maybe 3:10, and be at  
16 practice at 3:30 or something like that.

17 Q. Mr. Brusko, at any point in  
18 time during your time as an alumnus of The  
19 Hill School, as well as a faculty member,  
20 have you ever heard anything in any way  
21 suggesting that Mr. Ralston has ever acted  
22 inappropriate with a student?

23 A. No, I have not.

24 Q. I appreciate your time. That's

Zachary Brusko

1 all I have for right now. These folks may  
2 have some questions for you.

3 MS. DOUGHERTY: Mr. Poulos, do  
4 you want to ask questions first, or do  
5 you want me to ask questions first?  
6 Mr. Poulos?

7 MR. POULOS: You can.

8 EXAMINATION

9 BY MS. DOUGHERTY:

10 Q. Mr. Brusko, do you have an  
11 opinion of Matthew Ralston?

12 A. I like Matt. I don't -- we  
13 haven't kept in touch since I left, but I  
14 liked him.

15 Q. So you liked Mr. Ralston when  
16 you were a faculty member at The Hill School?

17 A. Yeah.

18 Q. And you still like Mr. Ralston,  
19 is that right?

20 A. Yeah. I mean, again, I haven't  
21 talked to him in quite a while. We haven't  
22 kept in touch. I wouldn't say we're friends,  
23 but I liked him as a person.

24 Q. Have you -- let me start again.

Zachary Brusko

1 Is it fair to say your opinion  
2 of Matthew Ralston is positive?

3 A. Yes.

4 Q. Has your opinion of Matthew  
5 Ralston always been the same?

6 A. Basically. I mean, yes. I  
7 mean, he was instrumental in hiring me in my  
8 first job, so I've always -- he's been  
9 special to me for that reason.

10 But, you know, prior to that I  
11 would say as a student, indifferent. I  
12 didn't know him at that time.

13 Q. Did -- let me start again.  
14 When you were a student at The  
15 Hill School, did you ever have a class where  
16 Matthew Ralston was a teacher?

17 A. No.

18 Q. When you were a student at The  
19 Hill School, was Matthew Ralston ever your  
20 table head?

21 A. I don't believe so, but I had  
22 18 table heads in the three years there, so I  
23 don't remember. But I don't specifically  
24 remember him being my table head, no.

Zachary Brusko

1 accused of what you understood to be sexual  
2 abuse?

3 A. Well, I believed that he was  
4 accused because I was told he was accused. I  
5 found it shocking that he was accused, if  
6 that's what you're asking. It seemed to me  
7 to not be something I would have expected.

8 Q. Did Mr. Jubb tell you who  
9 accused Mr. Ralston of sexual abuse?

10 A. I think he may have at the end  
11 of the conversation, because he kind of held  
12 that off until we talked a little bit, and  
13 then when he said the name, because it was  
14 someone that I had been in a dorm with. I  
15 remember thinking at the time is he even  
16 going to tell me who it is, and then he later  
17 did.

18 Q. So I'm sorry, did you learn  
19 during the first conversation with Mr. Jubb  
20 that Mr. Poulos had accused Mr. Ralston of  
21 sexual abuse?

22 A. Yes.

23 Q. Do you believe the accusation  
24 by Mr. Poulos that Mr. Ralston sexually

Zachary Brusko

1       abused him?

2               A.       I don't know if that's -- if  
3       what I believe matters.   I mean, I certainly  
4       don't want to call anyone a liar, but at the  
5       same time it was a shock to me to hear that,  
6       that he had accused him, because that's not  
7       someone I would have thought would have been  
8       doing something like that.

9               So I don't want to say I don't  
10      believe it, but at the same time I find it  
11      hard to believe.   But I can't -- again, like  
12      I said, I don't want to call anyone a liar,  
13      but I find it hard to believe, in my  
14      experience.

15              Q.       Okay.   So learning about the  
16      accusation by Mr. Poulos that Mr. Ralston  
17      sexually abused Mr. Poulos, that didn't have  
18      any impact on your opinion of Mr. Ralston, is  
19      that right?

20                      MR. JUBB:   Objection.

21              A.       Not -- no, I mean, until I know  
22      the facts, no, it hasn't.

23      BY MS. DOUGHERTY:

24              Q.       Let me start again.

Zachary Brusko

1 Church scandal, but I didn't read anything.  
2 I didn't -- at that point I -- Lane told me  
3 what I needed to know. I felt like, you  
4 know, if I'm going to be having this  
5 conversation, I don't know what's appropriate  
6 and what's not, so I didn't really do any of  
7 my own research or digging.

8 Q. Did you Google anything else  
9 relating to this action other than  
10 Mr. Garabedian after you spoke to Mr. Jubb?

11 A. No.

12 Q. What's the basis for your  
13 belief that Mr. Poulos left your -- I think  
14 it was your fifth form year after a couple  
15 days of school due to issues at home?

16 A. The basis, I don't know. If  
17 you had asked me a month ago prior to all of  
18 this why did your roommate leave junior year,  
19 I would say I thought he had something at  
20 home, something family-related, something  
21 that he wanted to be back or needed to be  
22 back for. I thought it was more reason of  
23 need to be home as opposed to not wanting to  
24 be at school.

Zachary Brusko

1                               But I don't -- it was 25 years  
2 ago. It's not something that I had given any  
3 thought since that time, so I don't really  
4 remember.

5               Q.       Is your belief that Mr. Poulos  
6 left after a couple days of school during  
7 your fifth form year due to issues at home  
8 just an assumption?

9                               MR. JUBB: Objection to the  
10 form.

11              A.       I don't know why I thought that  
12 way, whether something he said was in the  
13 back of my head and just -- I don't know.  
14 It's not something I had given thought,  
15 again, in 25 years, so why I felt that way I  
16 don't know. I don't know where that came  
17 from, whether it's an assumption or something  
18 he said or implied, or something the school  
19 said at the time, I don't remember. I have  
20 no idea.

21 BY MS. DOUGHERTY:

22              Q.       When you say "why I felt that  
23 way," you mean that at the time when  
24 Mr. Poulos -- let me start again.

Zachary Brusko

1 CERTIFICATE  
2

3 I, MAUREEN O'CONNOR  
4 POLLARD, Registered Diplomat  
5 Reporter, Realtime Systems  
6 Administrator, and Certified Shorthand  
7 Reporter, do hereby certify that prior  
8 to the commencement of the  
9 examination, ZACHARY BRUSKO, was  
10 remotely duly identified and sworn by  
11 me to testify to the truth, the whole  
12 truth, and nothing but the truth.

13 I DO FURTHER CERTIFY that  
14 the foregoing is a verbatim transcript  
15 of the testimony as taken  
16 stenographically by and before me at  
17 the time, place, and on the date  
18 hereinbefore set forth, to the best of  
19 my ability.

20 I DO FURTHER CERTIFY that  
21 I am neither a relative nor employee  
22 nor attorney nor counsel of any of the  
23 parties to this action, and that I am  
24 neither a relative nor employee of  
such attorney or counsel, and that I  
am not financially interested in the  
action.

16  
17 

18  
19 MAUREEN O'CONNOR POLLARD  
20 NCRA Registered Diplomat Reporter  
21 Realtime Systems Administrator  
22 Certified Shorthand Reporter  
23 Notary Public  
24

Dated: December 12, 2020

Zachary Brusko

## 1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over  
4 carefully and make any necessary corrections.  
5 You should state the reason in the  
6 appropriate space on the errata sheet for any  
7 corrections that are made.

8 After doing so, please sign the  
9 errata sheet and date it. It will be  
10 attached to your deposition.

11 It is imperative that you return  
12 the original errata sheet to the deposing  
13 attorney within thirty (30) days of receipt  
14 of the deposition transcript by you. If you  
15 fail to do so, the deposition transcript may  
16 be deemed to be accurate and may be used in  
17 court.

18

19

20

21

22

23

24

Exhibit "B"  
Deposition Designations of  
Zachary Lehman

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**MATTHEW RALSTON**

**Plaintiff :**

**NO: 2:19-cv-01539**

**v.**

**MITCHELL GARABEDIAN, ESQ., et al.**

**Defendants. :**

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**PLAINTIFF'S DEPOSITION DESIGNATIONS OF ZACHARY LEHMAN**

1. 12:4-8
2. 13:16-22
3. 18:17-20
4. 19:8-11
5. 19:12-16
6. 22:8-19
7. 22:21-23:14
8. 24:2-22
9. 25:22-26:5
10. 36:8-10
11. 36:17-24
12. 37:2-6
13. 39:4-12
14. 39:13-19
15. 45:15-46:3
16. 118:7-15

17. 128:2 – 129:6

18. 153:3-13

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Dated: 21 December 2021



Zachary G. Lehman

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18  
19 - - -  
20  
21  
22  
23  
24  
25

## Zachary G. Lehman

1	I N D E X		
2	WITNESS:		PAGE
3	ZACHARY G. LEHMAN		
4	By Mr. Jubb		4
5	By Mr. McCarron		47
6	- - -		
7	EXHIBITS	DESCRIPTION	PAGE
8	Lehman-1	E-mail string dated Dec. 13, 2017 Garabedian_File1854-1857	12
9	Lehman-2	Letter dated April 11, 2018 with attachments P1.1-P1.4	13
10	Lehman-3	Document titled "Date, Dear Colleagues"	29
11			
12			
13	- - -		
14			
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Zachary G. Lehman

1 COURT REPORTER: All parties  
2 to this deposition are appearing  
3 remotely and have agreed to the  
4 witness being sworn in remotely.  
5 Due to the nature of remote  
6 reporting, please pause briefly  
7 before speaking to ensure all  
8 parties are heard completely.

9 - - -

10 ...ZACHARY G. LEHMAN, 860  
11 Beech Street, Pottstown,  
12 Pennsylvania 19464, after having  
13 been duly sworn, was examined and  
14 deposed as follows...

15 - - -

16 EXAMINATION

17 - - -

18 BY MR. JUBB:

19 Q. Mr. Lehman, good morning.  
20 My name is Lane Jubb. I represent the  
21 plaintiff in this case. I'm going to  
22 take your deposition today.

23 Can you hear me okay?

24 A. I can. Good morning, Lane.

Zachary G. Lehman

1 letter, I certainly had been in contact  
2 with the attorneys and reviewed findings  
3 or reports, yes.

4 Q. As part of your review, was  
5 there ever any accusations or findings of  
6 any sort of improper conduct by  
7 Mr. Ralston?

8 A. Not that I'm aware of, no.

9 Q. We're going to mark that as  
10 Exhibit 1.

11 (Exhibit Lehman-1 was marked  
12 for identification.)

13 MR. McCARRON: This is this  
14 document -- well, the equivalent  
15 is already marked as a defense  
16 exhibit. You can use it if you  
17 wish.

18 MR. JUBB: Yeah, I'm  
19 keeping separate exhibits, Jeff.  
20 I appreciate it, though.

21 MR. McCARRON: That's fine.

22 MR. JUBB: So I'm going to  
23 show you another document here,  
24 sir.

Zachary G. Lehman

1 BY MR. JUBB:

2 Q. Can you see my screen?

3 A. Yes.

4 Q. This is the April 2018

5 letter from, on Mr. Garabedian's

6 letterhead, and just for record purposes

7 we're going to call this P1.1 through

8 P1.2, and this will be Exhibit 2 to the

9 deposition.

10 (Exhibit Lehman-2 was marked

11 for identification.)

12 BY MR. JUBB:

13 Q. Mr. Lehman, have you seen

14 this letter before?

15 A. Yes.

16 Q. Other than what is relayed

17 to you in this letter, have you at any

18 point in time ever received any sort of

19 information alleging any sort of improper

20 conduct with a student against Matthew

21 Ralston?

22 A. No.

23 Q. Do you recall the actual

24 date that you received the letter? I

Zachary G. Lehman

1                   He was visibly upset and  
2   anguished by them, didn't understand  
3   where they -- seemed to not understand  
4   where they were coming from. I don't  
5   think he had much recollection of  
6   Mr. Poulos and sort of asked me what he  
7   should do or what were we going to do.

8           Q.    Do you recall what you told  
9   him?

10          A.    I don't.

11          Q.    During this discussion with  
12   Mr. Ralston did you instruct him in sum  
13   and substance to not find himself alone  
14   with a student?

15          A.    Not in that conversation,  
16   no.

17          Q.    Did that occur in another  
18   conversation?

19          A.    Yes.

20          Q.    When was that?

21          A.    I think at some point, you  
22   know, as we started to investigate it, I  
23   asked Matt to restrict his, you know,  
24   general access to campus, which wasn't

Zachary G. Lehman

1 really a big change for him. He was  
2 working remotely primarily from Michigan  
3 and Ohio. He came to campus  
4 periodically. He stayed with another  
5 faculty member on campus, but, you know,  
6 on the edge of campus. He went to and  
7 from the Office of Institutional Giving  
8 primarily, which it has very little  
9 student interaction, and I just asked him  
10 to please keep his campus access limited  
11 to wherever he was staying and the Office  
12 of Institutional Giving out of an  
13 abundance of caution while we continued  
14 our investigation.

15 Q. Okay. You got the letter on  
16 the 17th. Do you believe you met with  
17 him, you know, a few days thereafter, a  
18 week after, or when was that?

19 A. I believe I met with him on  
20 April 19th, two days after receiving the  
21 letter.

22 Q. And by April 19th had you  
23 already shared that with your counsel?

24 A. Yes, I shared it on the same

Zachary G. Lehman

1 day that I received it.

2 Q. Who else did you share it  
3 with?

4 A. I shared it with the chair  
5 of our legal committee, the vice chair of  
6 our legal committee, Thomas Rees, two  
7 attorneys from Cozen, our CFO, Rick Wood,  
8 the chairman of our board, Preston Athey,  
9 and the vice chairman of our board, Andy  
10 Soussloff, who is also an attorney and  
11 member of our legal committee.

12 Q. And was that part of any  
13 sort of protocol that was in place at the  
14 time to share it with these individuals?

15 A. Correct.

16 Q. Am I correct that you shared  
17 the actual letter with them, not just the  
18 substance of the allegations?

19 A. I believe I scanned the  
20 letter and sent it by e-mail with a short  
21 note attached, but I do not remember what  
22 else I said, if anything.

23 Q. Did any of these individuals  
24 ever speak to you about their concerns of

Zachary G. Lehman

1 the letter when they were not

2 communicating with Mr. Rees?

3 A. I do not recall.

4 Q. Do you recall anyone who

5 reviewed the letter expressing any

6 concerns for the allegations?

7 A. Can you rephrase that

8 question or say it a different way? I

9 don't understand.

10 MR. REES: I would have

11 objected to the form, but

12 Mr. Lehman has already asked for a

13 rephrase.

14 MR. JUBB: Sure.

15 BY MR. JUBB:

16 Q. Did anyone who received the

17 letter that you had forwarded to them

18 respond to you with their thoughts on it?

19 A. Any conversations that we

20 had on that nature were privileged, so I

21 can't answer your question.

22 Q. And at the time did you

23 believe that Mr. Rees represented the

24 individuals that were on the board?

Zachary G. Lehman

1           A.     Mr. Rees is our general  
2     counsel for the school and that includes  
3     our board of trustees and all of our  
4     employees and agents.   Certainly he  
5     represented the board of trustees.

6           Q.     At the time that you  
7     received the letter did you know who  
8     Mitchell Garabedian was?

9           A.     Yes.

10          Q.     And just to clarify, you  
11     knew independently who he was rather than  
12     doing any sort of research on your own to  
13     figure out who he was when you received  
14     it?

15          A.     He's a well-known attorney  
16     in Boston.   I practiced law in Boston.  
17     There is a movie that he's featured in.  
18     He had been part of, you know, the  
19     spotlight investigation.

20          Q.     Sure.

21          A.     I knew who he was.

22          Q.     At the time did you believe  
23     that Mr. Garabedian would ever be  
24     involved in representing anybody in these

Zachary G. Lehman

1 chair of the board at that time and he  
2 was a member of the legal committee.  
3 He's an attorney.

4 Q. As the headmaster of The  
5 Hill School, are you yourself considered  
6 a member of the board of trustees?

7 A. No.

8 Q. Do you have any involvement  
9 in board of trustees meetings?

10 A. Yes.

11 Q. Does the legal committee for  
12 the board of trustees have to report the  
13 ongoing legal issues to the board  
14 generally?

15 A. Have to or does, or do they?  
16 What's your question?

17 Q. Does the legal committee for  
18 the board of trustees of The Hill School  
19 report the legal situations of the school  
20 as part of a routine practice to the  
21 other members of the board of trustees?

22 MR. REES: Object to the  
23 form. The witness may answer.

24 THE WITNESS: Yes.

Zachary G. Lehman

1 BY MR. JUBB:

2 Q. How often does that occur?

3 A. Our board meets three times

4 per year and there is a legal committee

5 memo that accompanies the board package

6 that goes out each time.

7 Q. Was there ever any legal

8 committee memo referencing the

9 allegations that were made by

10 Mr. Garabedian against Mr. Ralston

11 relayed to the board of trustees?

12 MR. McCARRON: Objection.

13 THE WITNESS: I don't

14 recall.

15 BY MR. JUBB:

16 Q. Based off of the pattern and

17 practice of the board of trustees since

18 you've been there since 2012, is that

19 something that you would have expected to

20 be included in the memo from the legal

21 committee reporting to the other members

22 of the board?

23 MR. McCARRON: Objection.

24 What difference does it make? The

Zachary G. Lehman

1           litigation since it was filed

2           periodically.

3   BY MR. JUBB:

4           Q.     From the time that you  
5   received the April 2018 letter, have you  
6   ever had any faculty member or student or  
7   family member approach you with any sort  
8   of allegations whatsoever of improper  
9   conduct by Matthew Ralston?

10          A.     Beyond Mr. Poulos?

11          Q.     Of course.

12          A.     No.

13          Q.     At some point in time  
14   Miss Poulos sent you an e-mail. Do you  
15   recall receiving that?

16          A.     I believe I have received  
17   two e-mails from Miss Poulos, maybe a  
18   third more recently ranting about this  
19   case.

20          Q.     And when you received that  
21   e-mail, I don't think we need to pull it  
22   up or make it an exhibit, but we can if  
23   you'd like to reference it, but when you  
24   received that e-mail did you have any

Zachary G. Lehman

1 allow the witness to answer again.

2 THE WITNESS: I did review

3 it. I don't remember when.

4 BY MR. JUBB:

5 Q. All right. But are you able

6 to tell me whether or not you reviewed it

7 after receiving Mr. Garabedian's April

8 2018 letter?

9 MR. REES: Again, asked and

10 answered, but I'll allow him to

11 answer.

12 THE WITNESS: I certainly

13 did not review it before that.

14 BY MR. JUBB:

15 Q. Do you believe that you

16 reviewed Mr. Poulos's file before or

17 after receiving the December 2018 letter?

18 And when I say "receiving" I mean

19 reviewed.

20 A. I believe that I reviewed

21 his file after receiving the first letter

22 from Garabedian.

23 Q. At what point in time do you

24 believe you reviewed Mr. Ralston's

Zachary G. Lehman

1 employment file?

2 A. Probably around the same  
3 time.

4 Q. Have you personally been  
5 involved in conducting any sort of  
6 interviews as it relates to the  
7 statements that were made about  
8 Mr. Ralston in Mr. Garabedian's letter?

9 A. Could you repeat the  
10 question, please?

11 Q. Have you personally been  
12 involved in any interviews investigating  
13 any of the statements that were made in  
14 Mr. Garabedian's April 2018 letter that,  
15 of course, did not involve your counsel  
16 present?

17 A. No.

18 MR. JUBB: Mr. Lehman, I  
19 appreciate your time. I'm sorry  
20 it's under these circumstances,  
21 but those are all the questions I  
22 have.

23 - - -

24 EXAMINATION

Zachary G. Lehman

1 conclusions, findings or determinations  
2 about the accusations, allegations and  
3 claim of Mr. Poulos?

4 A. It's my recollection that we  
5 suspended the investigation because your  
6 client would not cooperate.

7 Q. Can you just try and -- will  
8 you just answer my question? Was there

9 any findings, conclusions or  
10 determinations made about the  
11 accusations, allegations or claim by  
12 Mr. Poulos?

13 A. It is my understanding that  
14 we suspended the investigation because  
15 your client would not cooperate.

16 Q. What do you mean by  
17 "cooperate"?

18 A. Your client would not  
19 produce Mr. Poulos for an interview.

20 Q. Produce him for an interview  
21 for what purpose?

22 A. To understand the veracity  
23 of his allegations, to ask some questions  
24 so that we could actually do an

Zachary G. Lehman

1 A. Yes.

2 Q. Did any of the troubling  
3 incidences which form the basis for your  
4 statement in D-1 involve sexual contact  
5 between student and faculty?

6 A. I would say I believe that  
7 there was contact. I'm not sure it could  
8 be qualified as sexual.

9 Q. What kind of contact?

10 A. Physical contact.

11 Q. Well, why did you say it  
12 wasn't sexual?

13 A. That has a very clear  
14 definition, Mr. McCarron, and --

15 Q. What was the nature of the  
16 contact between faculty and student  
17 member which became part of the troubling  
18 incidences you mentioned in your letter  
19 which is D-1?

20 A. You know, it was -- they  
21 were the kinds of things like romantic  
22 conversations, maybe passes made at  
23 students, rumors of relationships, but  
24 beyond that I'm not aware of, you know,

Zachary G. Lehman

1 extensive, the kinds of things that you  
2 would qualify as sexual like rape or  
3 physical assault. There are some of  
4 those in the school's history that we  
5 were aware of prior to this that had been  
6 litigated or prosecuted.

7 Q. Prior to this, meaning prior  
8 to what?

9 A. Prior to this investigation  
10 there were some incidents at The Hill  
11 School prior to my arrival at The Hill  
12 School that had been prosecuted.

13 Q. Did those matters that were  
14 prosecuted, did they involve a faculty  
15 and a student?

16 A. Yes.

17 Q. And are those, are you able  
18 to tell us those matters?

19 A. There were -- there was one  
20 just prior to my arrival, a few years  
21 prior to my arrival. It was a Spanish  
22 teacher who had a, I think there were  
23 some e-mail exchanges with a student for  
24 which he was prosecuted, and there was

Exhibit "C"  
Deposition Designations of  
Mitchell Garabedian

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

**MATTHEW RALSTON**

:

:

**Plaintiff :**

**NO: 2:19-cv-01539**

**v.**

:

:

**MITCHELL GARABEDIAN, ESQ., et al. :**

:

**Defendants. :**

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**PLAINTIFF'S DEPOSITION DESIGNATIONS OF MITCHELL GARABEDIAN, ESQ.**

1. 11:18-11:21
2. 20:10-20:13
3. 26:8-26:22
4. 29:10-29:20
5. 33:18-24
6. 35:6-8
7. 36:7-9
8. 37:12-38:8
9. 41:15-42:15
10. 42:21-42:25
11. 43:01-43:10
12. 45:13-45:18
13. 45:21-25
14. 46:16-47:4
15. 47:14-48:5
16. 49:02-49:19

17. 52:15-53:16
18. 54:10-21
19. 56:21-57:14
20. 58:1-3
21. 58:19-24
22. 61:3-9
23. 66:7-17
24. 66:19-67:5
25. 67:07-67:21
26. 70:20-25
27. 71:04-71:06
28. 73:08-73:11
29. 73:19-73:25
30. 77:2-5
31. 78:8-13
32. 79:04-79:07
33. 82:17-82:25
34. 93:04-93:07
35. 96:10-97:1
36. 99:11-99:25
37. 100:23-101:10
38. 109:18-109:21
39. 111:12-111:17

- 40. 120:05-120:08
- 41. 138:9-21
- 42. 139:10-140:07
- 43. 142:05-142:13
- 44. 143:15-143:22
- 45. 150:23-151:16
- 46. 154:16-154:25
- 47. 175:09-175:21
- 48. 178:06-178:16
- 49. 188:09-188:16
- 50. 199:16-200:13
- 51. 204:17-204:21
- 52. 211:24-212:21
- 53. 213:05-213:17
- 54. 217:25-218:7
- 55. 227:08-227:22
- 56. 235:14-236:2

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Pa. I.D. No. 319272

Dated: 21 December 2021



Deposition of:  
**Mitchell Garabedian**

*June 24, 2021*

In the Matter of:  
**Doe, John v. Garabedian, Mitchell Esq  
et al**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 2:19-cv-01539

JOHN DOE

Plaintiff

v.

MITCHELL GARABEDIAN, ESQ., LAW

OFFICES OF MITCHELL GARABEDIAN

and KURTIS N. POULOS

Defendants

AUDIOVISUAL DEPOSITION of MITCHELL GARABEDIAN,  
a witness called by counsel for the Plaintiff, taken  
pursuant to the Federal Rules of Civil Procedure before  
Kristen L. Kelly, Registered Professional Reporter, CSR  
No. 115893 and Notary Public in and for the  
Commonwealth of Massachusetts, at REGUS BOSTON,  
75 State Street, Boston, Massachusetts, on Thursday,  
June 24, 2021, commencing at 10:01 a.m.

1       A P P E A R A N C E S:

2  
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8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 ALSO PRESENT IN BOSTON:

25 Adam Cerro, Videographer

## I N D E X

Deponent:	Direct	Cross	Redirect	Recross
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MITCHELL GARABEDIAN

By Mr. Lane 8

By Mr. Poulos 235

## E X H I B I T S

No.		Page
-----	--	------

Exhibit 1	Email Chain, 12.13.2017;	35
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Garabedian 029

Exhibit 2	12.13.2017 Letter Between Mitchell	37
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Garabedian and Kurtis Poulos;

Garabedian\_File0111-112

Exhibit 3	12.15.17 Memo; Garabedian 112 and	40
-----------	-----------------------------------	----

12.15.17 Memo; Garabedian 116

Exhibit 4	04.11.2018 Letter Between Mitchell	42
-----------	------------------------------------	----

Garabedian and The Hill School;

Garabedian 114

Exhibit 5	01.30.2018 Letter Between Mitchell	43
-----------	------------------------------------	----

Garabedian and The Hill School;

Garabedian 115

Exhibit 6	04.11.2018 Letter Between Mitchell	46
-----------	------------------------------------	----

Garabedian and Zachary Lehman;

Garabedian 071-72

## E X H I B I T S

No.		Page
Exhibit 7	04.11.2018 Letter Between Mitchell Garabedian and Zachary Lehman; Hill0219-0220/P16.219-220	49
Exhibit 8	09.17.2018 Email Between Kurtis Poulos and Mitchell Garabedian; Garabedian_Email 0057-58	79
Exhibit 9	09.20.2018 Email Between Kurtis Poulos and Mitchell Garabedian; Garabedian_Email 0059-60	79
Exhibit 10	04.24.2018 Letter Between Thomas Rees and Mitchell Garabedian; Garabedian 065	92
Exhibit 11	Email Chain, 12.18.2018 Between Thomas Rees and Mitchell Garabedian; Garabedian 063	95
Exhibit 12	01.28.2019 Letter Between Mitchell Garabedian and Thomas Rees; Garabedian 047	104
Exhibit 13	12.19.2018 Email Chain Between Thomas Rees and Mitchell Garabedian; Garabedian 061	104

## E X H I B I T S

No.		Page
Exhibit 14	01.09.2019 Email Between Thomas Rees and Mitchell Garabedian; Garabedian 051	109
Exhibit 15	01.30.2019 Email Between Thomas Rees and Mitchell Garabedian; Garabedian 046	132
Exhibit 16	12.26.2018 Letter Between Mitchell Garabedian and Thomas Rees; Hill 0225-0226/P16.225-226	136
Exhibit 17	02.19.2019 Email Between Kurtis Poulos and Mitchell Garabedian; Garabedian_Email 0067	140
Exhibit 18	Handwritten Notes; Garabedian_File0001-40	144
Exhibit 19	Contingent Fee Agreement; Garabedian_File 0072	210
Exhibit 20	12.13.2017 Email From Mary Ellen Poulos to Mitchell Garabedian; Garabedian_File 0047-50	219
Exhibit 21	04.23.2016 Headmaster Message; Hill 0240	223

(Exhibits attached to transcript.)

## P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We are going on the record. The time is 10:01 a.m. on June 24th, 2021. This is media unit one of the video-recorded deposition of Mitchell Garabedian taken by counsel for plaintiff in the matter of John Doe v. Mitchell Garabedian filed in the U.S. District Court for the Eastern District of Pennsylvania. This deposition is being held at 75 State Street, First Floor, Boston, Massachusetts.

My name is Adam Cerro from the firm Veritext Legal Solutions. I am the videographer. The court reporter is Kristen Kelly.

Counsel will now state their appearances and affiliations for the record. If there are any objections to proceeding, please state them at the time of your appearance beginning with the noticing attorney.

MR. JUBB: Good morning. Lane Jubb of The Beasley Firm for plaintiff.

MR. McCARRON: Jeffrey McCarron. I represent Mitchell Garabedian.

MR. JUBB: Mr. Poulos, would you like to introduce yourself for the record, please.

1 A Last week. Earlier this week.

2 Q And did that have to do with allegations --  
3 strike that.

4 Did that have to do with a case involving  
5 allegations of sexual abuse of a minor?

6 A Yes.

7 Q Do you handle any other cases right now other  
8 than sexual abuse of minor allegations?

9 A Yes.

10 Q Like what?

11 A Sexual abuse of an adult.

12 Q Do you handle any other cases involving civil  
13 matters other than anything -- strike that.

14 Do you handle any other civil matters other  
15 than those involving allegations of sexual abuse or  
16 sexual assault?

17 A No.

18 Q Have you ever successfully tried a case to  
19 verdict involving sexual abuse of a minor?

20 MR. McCARRON: Objection.

21 A No.

22 Q Approximately how many cases do you have?

23 A In my office right now?

24 Q Yes, sir.

25 A 500.

1 Q All right. And so when you're making that  
2 determination, how do you make that determination?

3 A Look at the relevant law.

4 Q And the relevant law, that would be  
5 statutory, correct?

6 A Yes.

7 Q And that's something that is a code created  
8 by legislature, correct?

9 A Yes.

10 Q All right. And of the cases that you have  
11 right now, how many of them have you filed where you  
12 knew the statute of limitations had expired?

13 A None.

14 Q As of December 2017 am I correct that you  
15 first heard from Mary Ellen Poulos before Mr. Poulos?

16 A I don't recall.

17 MR. McCARRON: Okay. I'm sorry. I  
18 misunderstand -- didn't hear you. As of did you say  
19 December --

20 MR. JUBB: December of 2017.

21 Q Do you recall how you were first contacted as  
22 to any of the allegations that were going to be made by  
23 Mr. Poulos?

24 A No.

25 Q Take me through, if you will, your practice

1 for you.

2 MR. McCARRON: Do you mean just did  
3 meet? Is that what you're asking?

4 MR. JUBB: That's what I was going to  
5 do, yeah. I got this.

6 Q Did you ever meet Mrs. Poulos?

7 A No.

8 Q During the 2017/2018 timeframe had you ever  
9 been involved in cases in Pennsylvania before?

10 A I don't recall.

11 Q At some point in time -- strike that.

12 In looking at your website just the other  
13 day, I saw photos of you and Mr. Gordon; is that  
14 correct?

15 A Yes.

16 Q And the other individuals who are listed  
17 there, am I correct that none of them are barred in  
18 Pennsylvania?

19 A Correct.

20 Q And you're not barred in Pennsylvania,  
21 correct?

22 A Correct.

23 Q Have you ever tried a case in Connecticut?

24 A No.

25 Q Have you ever tried a case in New York?

1 before?

2 A No.

3 Q Have you ever filed a lawsuit in Ohio before?

4 MR. McCARRON: Objection.

5 A No.

6 Q And just to clarify, I know my first question  
7 had to do with cases involving sexual abuse so --  
8 strike that. I don't want there to be any commentary.

9 MR. McCARRON: Thank you.

10 Q When was the last time that you successfully  
11 tried any case?

12 MR. McCARRON: Objection.

13 A It had to be years ago.

14 Q When you say "years ago", you mean more than  
15 20 years, correct?

16 A Yes.

17 Q Was it more than 30?

18 A I don't know.

19 Q Was it more than 40?

20 A I don't know.

21 Q Well, what comes to mind when you think of  
22 the, the last time you gave a closing argument to a  
23 jury?

24 A It was quite a few years ago. It was a car  
25 accident case.

1 question?

2 MR. McCARRON: Well, you need to put a  
3 subject to it.

4 MR. JUBB: Okay.

5 MR. McCARRON: First person. That's why  
6 I asked you the person -- are you asking about someone  
7 in his -- within Mr. Garabedian's office? What are you  
8 trying to find out?

9 MR. JUBB: Yeah, okay.

10 BY MR. JUBB:

11 Q Mr. Garabedian, at some point Mr. Poulos or  
12 his mom contacted your office, correct?

13 A I don't recall who first contacted my office.

14 Q Okay.

15 THE WITNESS: Excuse me. Can I get a  
16 little glass of water, please. I don't mean interrupt.  
17 We can continue. Just ...

18 Q Do you have any understanding as to which one  
19 of your associates first spoke with Mr. Poulos  
20 initially?

21 A No.

22 Q Did Mr. Poulos call or did someone send an  
23 email?

24 A I don't recall.

25 Q You have a website, and on that website

1           A     This morning.

2           Q     Okay. And am I -- strike that.

3                     Do you have any recollection of Mr. Poulos  
4     ever sending an intake through the website to you?

5           A     No.

6           Q     Do you have any recollection of your first  
7     conversation via telephone with Mr. Poulos?

8           A     No.

9                     MR. JUBB: Can we please mark this as  
10    Garabedian 1. This is going to be Garabedian 029.

11                    Here's a copy for you, Jeff.

12                             (Exhibit 1 marked  
13                             for identification)

14          Q     Here you go.

15          A     Thank you.

16          Q     Did you look at this in anticipation of  
17    today?

18                    MR. McCARRON: Objection. Don't answer.

19          Q     Have you seen this before, sir?

20          A     Yes.

21          Q     All right. And at the top it looks like it's  
22    an email from Mary Ellen Poulos dated December 13th,  
23    2017 to you, and she's forwarding an email from her son  
24    that he received from The Hill School. Do you see  
25    that?

1 A Yes.

2 Q How did she get your email address?

3 A I don't know.

4 Q Is, is it a practice for your associates to  
5 give out your email address?

6 A They may. I may.

7 Q Did you first talk to Ms. Poulos before  
8 Mr. Poulos?

9 A I don't remember.

10 Q Do you have any idea when you look at this as  
11 to why she's saying thank you with an exclamation  
12 point?

13 A No.

14 Q Do you -- I -- strike that.

15 Am I correct that -- strike that.

16 How often do you speak with parents of adults  
17 who are claiming to be victims of sexual abuse?

18 A I couldn't answer that. I mean ...

19 Q Am I correct that Ms. Poulos was not your  
20 client?

21 A Correct.

22 Q You can put that down.

23 A (Complies.)

24 MR. JUBB: I'm going to mark this as  
25 Garabedian 2 which is Garabedian File 111-112.

1 (Exhibit 2 marked  
2 for identification)

3 MR. POULOS: Lane, can I interject? I  
4 can't see any of those documents that you're presenting  
5 to Mitchell.

6 MR. JUBB: Okay. Then when I'm calling  
7 out these numbers, that's referring to the documents  
8 that were produced by Mr. Garabedian, okay. So you're  
9 going to need to pull those up.

10 Q Here you go.

11 A Thank you.

12 Q All right. I've handed you what I have  
13 marked as Garabedian 2 which is Garabedian File 111  
14 through is 112. This appears to be the cover letter  
15 that you sent to Mr. Poulos enclosing a CFA, correct?

16 A What is a CFA?

17 Q Contingent Fee Agreement.

18 A Yes.

19 Q At the bottom of this it says: Very truly  
20 yours, Mitchell Garabedian. Are those your initials?

21 A Probably.

22 Q Did you write them?

23 A I, I don't recall.

24 Q Is that because at this time many of your  
25 associates could sign your initials to the letters?

1 A I just don't recall.

2 Q As of December 2017 were your associates  
3 permitted to put your initials on your letterhead?

4 A At times.

5 Q Okay. Did it happen here?

6 A I don't recall.

7 Q Is that your handwriting?

8 A I don't know.

9 Q Well, how, how old are you, sir?

10 A How old am I?

11 Q Yes, sir.

12 A I'm 69 years old.

13 Q Okay. And do you have any way of telling us  
14 whether or not that appears to be your initials based  
15 off the 69 years of looking at your handwriting?

16 A It might be. It might not be. It's  
17 initials.

18 Q I see.

19 And am I correct that you sent this  
20 Contingent Fee Agreement to Mr. Poulos on  
21 December 13th, 2017?

22 A I don't know. The letter says December 13th,  
23 but I don't remember mailing it.

24 Q Okay. But do you have folks that put your  
25 letters and contingent fee agreements in the mail for

1 potential clients with the Contingent Fee Agreement?

2 A Sometimes.

3 Q If that were the case would you reference  
4 that in the cover letter?

5 A I don't recall.

6 Q Well, at least as of December 15th, 2017 does  
7 it appear that Mr. Poulos signed authorizations for  
8 records?

9 A Are you referring to Exhibit 3?

10 Q I am.

11 A Yes.

12 Q And this was produced by you so I imagine  
13 that you received this back; is that fair?

14 A I believe so.

15 Q Why is it that you wanted the records from  
16 Shorewood School District and The Hill School as of  
17 December of 2017?

18 A To collect his records.

19 Q Were are they important?

20 A To review them.

21 Q What types of things can you get from  
22 reviewing the records?

23 A Information.

24 Q Relevant information?

25 A Relevant, yes.

1 Q Like things that could corroborate what  
2 they're saying?

3 A Relevant. Irrelevant.

4 Q Well, is the goal of requesting a student's  
5 records to determine as to whether or not there's other  
6 evidence to corroborate their claims?

7 A The goal is to know the person.

8 Q Okay. Am I correct that you wrote the letter  
9 to The Hill School before you received the records back  
10 from The Hill School?

11 A I don't know.

12 Q Do you have any reason to believe that you  
13 received the records back from The Hill School before  
14 you wrote The Hill School?

15 A I don't know.

16 MR. JUBB: This is going to be marked as  
17 Garabedian 4. This was previously produced as  
18 Garabedian 114. Here you go, Jeff.

19 (Exhibit 4 marked  
20 for identification)

21 Q I've handed you what has been marked as  
22 Garabedian 4 which is a letter dated April 11th, 2018  
23 to The Hill School registrar requesting records; is  
24 that correct?

25 A Yes.

1 Q Did you write this?

2 A I don't recall.

3 Q Are those your initials?

4 A I don't know.

5 Q Why would there be a request to The Hill  
6 School on April 11th for records if you already had  
7 them?

8 A I don't know.

9 Q You didn't have them, correct?

10 A I don't recall.

11 Q Well, in -- considering that you've been  
12 practicing for quite some time and your pattern and  
13 practice in doing sexual abuse cases, in looking at  
14 these records seeing a request from -- you know, an  
15 authorization from December 15th, 2017 and this, which  
16 is Garabedian 115 which is now going to be marked as  
17 Garabedian 5 ...

18 MR. JUBB: This is my copy so I'll need  
19 that back.

20 THE WITNESS: Do you want it marked?

21 MR. JUBB: Yeah, could you mark that as  
22 an exhibit, please.

23 (Exhibit 5 marked  
24 for identification)

25 MR. McCARRON: Hang on. Let me see it.

1 of doing that, correct?

2 A I don't understand your question. I'm sorry.

3 Q Sure. When you're preparing letters to go  
4 out for records request or your associates are, do they  
5 draft those letters up, sign them, and then not send  
6 them out? Is that the expectation?

7 A I don't, I don't know. I don't recall.

8 Q Well --

9 A I mean I imagine if they, if they -- if the  
10 letter was completed and signed, it would go out, but  
11 maybe for some instance, one instance or an instance it  
12 didn't go out. I don't know.

13 Q Do you have any recollection of reviewing  
14 Mr. Poulos's Hill School File before you wrote that  
15 letter in April of 2018 to Mr. Lehman?

16 A I don't recall.

17 Q Nothing comes to mind, correct?

18 A I don't recall.

19 Q Okay. Can I just have that real quick?

20 A (Complies.)

21 Q Are those your initials, either, on the  
22 Garabedian 5?

23 A I don't know.

24 Q You can't tell if you wrote them or not?

25 A No.

1 MR. JUBB: Off the record.

2 (Discussion off the record)

3 MR. JUBB: This is going to be marked as  
4 Garabedian 6. It's previously produced as Garabedian  
5 71.

6 (Exhibit 6 marked  
7 for identification)

8 Q Did you write that letter?

9 A I don't recall.

10 Q Well, that appears to be a letter drafted  
11 towards The Hill School, correct?

12 A Correct.

13 Q Were your associates writing those letters  
14 back then?

15 A I don't recall.

16 Q Do you have any recollection of actually  
17 writing a letter at issue in this case?

18 A I don't recall.

19 Q Based on your pattern and practice can you  
20 even tell us whether or not you wrote that letter?

21 A I don't know.

22 Q Is that because your associates write letters  
23 for you like this?

24 A I don't know.

25 Q Do your associates write letters for you like

1 this?

2 A Sometimes.

3 Q Did they write this one?

4 A I don't recall.

5 Q Well, in other words, they write letters for  
6 you so often that you, you can't determine in looking  
7 at this whether or not you actually wrote this; is that  
8 right?

9 MR. McCARRON: Objection.

10 A No. I just don't recall whether I wrote this  
11 or not.

12 Q Okay. Look who it -- who -- look at --  
13 strike that.

14 At the top it says: Dear Attorney Soto. Do  
15 you see that?

16 A Yes.

17 Q There's no Soto involved here is there?

18 A I don't know.

19 Q Well, in looking at this file and  
20 understanding how serious these allegations are against  
21 you did you see anywhere where a Mr. Soto was involved  
22 here?

23 MR. McCARRON: Objection.

24 A I don't recall.

25 Q Okay. Well, it's addressed to Mr. Lehman,

1 isn't it?

2 A Yes.

3 Q Well, when you write a letter wouldn't it be  
4 Dear Mr. Lehman, not Dear Attorney Soto?

5 A Yes.

6 Q Okay. And so am I correct that this letter  
7 that was prepared and has your initials on it was  
8 actually directed from a -- strike that.

9 Am I correct that that letter, Garabedian 71  
10 and 72, has Dear Attorney Soto on there, and there's no  
11 Soto that you were trying to send this letter to?

12 A I don't know.

13 Q Do you just have like a form letter that goes  
14 out with demands?

15 A No.

16 Q Do your associates just copy and like do a  
17 Mad Lib for demand letters?

18 A Do a what?

19 Q A Mad Lib. Do you know what a Mad Lib is?

20 A No.

21 Q It's like a fill-in-the-blank.

22 A No.

23 Q So this letter "Dear Attorney Soto", somebody  
24 actually wrote that in by mistake. That wasn't already  
25 there, right?

1 A I don't know.

2 Q How many people have the authority to draft  
3 demand letters on your behalf?

4 A I don't know. I mean the people who work for  
5 me. So it depends how many people are working for me.

6 Q So five to ten people can actually draft  
7 demand letters on your behalf, correct?

8 A Well ... yeah.

9 Q And that was true as of April 2018, correct?

10 A I don't know.

11 Q Do you know an Attorney Soto?

12 A Not off the top of my head.

13 Q Do you have any recollection of actually  
14 reviewing this letter?

15 A No.

16 Q Do you have any way of telling us, based off  
17 your pattern and practice, that you actually reviewed  
18 this letter?

19 A No.

20 MR. JUBB: Here you go, Jeff.

21 I'm marking -- Garabedian 7 is Hill 219,  
22 also marked as P16.219-220.

23 (Exhibit 7 marked  
24 for identification)

25 Q Have you seen that letter before today?

1 sides.

2 MR. McCARRON: All right. Can I just  
3 have that as a placeholder?

4 MR. JUBB: Sure.

5 MR. McCARRON: Thank you.

6 THE WITNESS: So do we take this out?

7 MR. JUBB: Mm-hmm. Thank you.

8 MR. McCARRON: Yeah, we're going to  
9 swap. Let me just see, if I could. I'm sorry.  
10 This -- we're -- let me just see this one. Yeah, okay.

11 THE WITNESS: Thank you.

12 MR. McCARRON: There you go.

13 THE WITNESS: Thank you.

14 BY MR. JUBB:

15 Q So, Mr. Garabedian, you have in front of you  
16 Garabedian 7 which is Hill 219 and 220. Do you see  
17 that?

18 A Yes.

19 Q All right. And my last question to you was  
20 have you ever seen this before, and you couldn't  
21 recall, correct?

22 A Correct.

23 Q The date is April 11th, 2018, correct?

24 A Yes.

25 Q And is it your testimony that from

1 April 11th, 2018 to present you don't recall looking at  
2 that letter?

3 A I don't remember. I'm sorry.

4 Q Do you have any recollection of actually  
5 discussing this letter with Mr. Poulos?

6 A No.

7 Q Did you ever provide Mr. Poulos a copy of  
8 this letter?

9 A I don't believe so.

10 Q Did you ever tell Mr. Poulos that you were  
11 going to send this letter?

12 A But I'm not sure.

13 Excuse me?

14 Q Did you ever tell Mr. Poulos that you were  
15 going to send this letter?

16 A I don't recall.

17 Q Well, based on your pattern and practice of  
18 how you did things would you have told Mr. Poulos that  
19 you were going to send this letter?

20 A It depends on the case.

21 Q How so?

22 MR. McCARRON: All right. Why don't we  
23 have a full question.

24 Q How does it depend on the case, sir?

25 A Well, some clients are more fragile than

1 other clients.

2 Q Based off your recollection did you believe  
3 that Mr. Poulos was more fragile than most clients?

4 A He was extremely fragile.

5 Q Okay. And so your -- strike that.

6 Based off that do you believe that you wrote  
7 this letter without telling him you were going to do  
8 it?

9 A I don't recall. I mean ...

10 Q In other words, it's possible that you wrote  
11 this letter without actually informing Mr. Poulos that  
12 you did, correct?

13 A I don't know.

14 Q Well, if you don't recall doing it am I  
15 correct it's possible that you drafted this letter,  
16 sent it to the school without Mr. Poulos knowing about  
17 it?

18 A Anything's possible.

19 Q Okay. Based off how you did things is it  
20 possible?

21 A I don't know.

22 Q Do you -- as you sit here do you have any  
23 reason to believe that you actually provided -- strike  
24 that.

25 As you sit here do you have any reason to

1           Q     You probably have a recollection of speaking  
2     with Mr. Poulos?

3           A     No. I, I, I probably notified him that I, I  
4     was going to send the letter.

5           Q     Okay.

6           A     But I don't specifically remember.

7           Q     And did you tell him that you were going to  
8     send this letter to Mr. Lehman?

9           A     I don't remember.

10          Q     Did you tell him you were going to demand a  
11     million dollars?

12          A     I don't remember.

13          Q     Doesn't -- did -- at the time did you believe  
14     you had an obligation to confirm with your client as to  
15     what his demands would be?

16                     MR. McCARRON: Objection.

17          A     Well, I, I speak to the client about that.  
18     But you're asking me if I specifically remember and  
19     I -- with regard to Mr. Poulos, and I do not  
20     specifically remember.

21           Q     All right. Well, based on your pattern and  
22     practice of doing things back then -- well, first of  
23     all, as we sit here did you write this letter?

24          A     I don't recall.

25          Q     Is that because you write so many of these

1 letters it's tough to keep track?

2 MR. McCARRON: Objection.

3 A I just have -- I do a lot of work. I have a  
4 lot of clients, and I specifically don't recall. I'm  
5 sorry.

6 Q Look at the back of this. Is that your  
7 initial, please.

8 A I don't know.

9 Q Is there any way for you to tell us as to  
10 whether or not that's actually your handwriting?

11 A I don't know.

12 Q What about the language used in the, in the  
13 letter, is that something that sounds like you?

14 A I don't know.

15 Q The letter was drafted to the headmaster,  
16 correct?

17 A Yes.

18 Q Question for you. When you get mail, I mean  
19 with 500 cases, how much mail do you get a day?

20 A Sometimes a little. Sometimes a lot.

21 Q Do you have a practice in place at the firm  
22 where somebody's opening the mail for you?

23 A It's not a practice. Someone will just open  
24 the mail. Sometimes it's me and sometimes it's someone  
25 else.

1 Q All right. And you sent this to Mr. Lehman  
2 as the headmaster, correct?

3 A Apparently.

4 Q And when you sent this to Mr. Lehman as the  
5 headmaster did you consider as to whether or not a guy  
6 like him who's, who's pretty busy if he's going to be  
7 opening the mail himself or if maybe he has somebody in  
8 his office who's going to be opening it?

9 A No.

10 Q You didn't give consideration to that?

11 A No.

12 Q That would be pretty reasonable for a  
13 headmaster of a, a prominent boarding school to have  
14 somebody opening his mail, correct?

15 A I don't know.

16 MR. McCARRON: Objection.

17 Q You don't know?

18 A No.

19 Q Can you tell me whether or not as you sit  
20 here today you believe that one of your associates  
21 wrote this?

22 A I don't know.

23 Q Did you ask them?

24 A I don't recall.

25 Q So when you got sued, you didn't ask any of

1 Q Folders?

2 A Yeah.

3 Q Am I correct there was no folder made in this  
4 case?

5 A I don't know.

6 Q Did you look?

7 A No.

8 Q Oh. Did anyone from your office look?

9 A I don't know.

10 Q \*Is it possible that there's a folder that  
11 exists in this case with electronic documents that  
12 haven't been produced?

13 A \*I don't know.

14 Q Did you have any involvement whatsoever in --

15 THE WITNESS: Oh, excuse me. Can you  
16 repeat that last question.

17 (\*Record read)

18 A We produced the whole file. I mean ...

19 Q Okay. And how do you know that?

20 A Because we had it copied.

21 Q All right. And it was electronic form; is  
22 that correct? Or was it not electronic form?

23 A I don't know.

24 Q Well, did you look at some of your  
25 handwritten notes that were on a yellow pad?

1 A Yeah, I believe so.

2 Q And you still have the original file,  
3 correct?

4 A Yes.

5 Q When was the last time you believe -- strike  
6 that.

7 I understand your testimony to be that  
8 between April 11th, 2018 to present you can't recall  
9 actually reading this letter, correct?

10 A Yes.

11 Q As you sit here do you believe you reviewed  
12 this letter before it was sent?

13 A I don't recall.

14 Q My question was a bit different.

15 As you sit here do you believe that you  
16 reviewed this letter before it was sent?

17 A I don't know.

18 Q Do you -- strike that.

19 As of April 2018 did you believe that, that  
20 you had an obligation to review letters for accuracy  
21 before sending them out?

22 MR. McCARRON: Objection.

23 A Someone in my office read them.

24 Q Do you believe that someone other than you  
25 was the person who wrote this letter?

1 A I have no idea.

2 Q But as you sit here, you can't tell us one  
3 way or the other if it was you or somebody else; is  
4 that right?

5 A That's right. Yes.

6 Q Let me back up.

7 Do you have any idea where the information  
8 that was put into this letter pertaining to Mr. Poulos  
9 came from?

10 A I don't recall.

11 Q Do you have any recollection of actually  
12 speaking with Mr. Poulos?

13 A I believe I did.

14 Q Okay. Tell me what you can recall about  
15 speaking with Mr. Poulos before you sent this letter.

16 A I don't recall speaking to him. I just  
17 believe I did.

18 Q In other words, as you sit here today you  
19 have no recollection of that discussion with  
20 Mr. Poulos?

21 A Correct.

22 Q And can you tell us why you believe you did?

23 A I, I don't know.

24 Q Is there a chance you didn't?

25 A I don't know. I believe I did.

1 MR. McCARRON: I think I'm, I think I'm  
2 confused. Are you referring to something other than  
3 Exhibit 7, right, now? That just occurred to me.

4 MR. JUBB: I think so.

5 MR. McCARRON: So you're talking about  
6 what the last time last that Mr. -- the last occasion  
7 Mr. Garabedian recalls sending or drafting a letter?

8 MR. JUBB: Letter like this making a  
9 demand before he ever filed a suit.

10 Q And I believe your testimony was before  
11 Covid, right?

12 A Yeah.

13 Q How long before Covid?

14 A I don't remember.

15 Q Do you believe that you personally wrote a  
16 letter making a demand before a lawsuit was filed  
17 within the last three years?

18 A I don't know.

19 Q When you are -- strike that.

20 Why is it that your associates don't have  
21 their own letterhead, that they can write letters by  
22 themselves?

23 A I don't know.

24 Q Can any of them do that?

25 A Yes.

1 Q Okay. So they actually have their own  
2 letterhead on it, fair enough?

3 A I don't understand you.

4 Q Sure. Do you allow your associates to write  
5 letters signing their own name?

6 A No.

7 Q In other words, all of the attorneys that are  
8 working for you on all these files, every letter comes  
9 from your letterhead with your name at the bottom,  
10 right?

11 A I don't know.

12 Q Well, your attorneys are not permitted to  
13 draft letters on their own personal letterhead or sign  
14 their own name, correct?

15 A I don't know.

16 Are you referring to demand letters like this  
17 or are you referring to letters in general? I'm not  
18 sure.

19 Q Let's go general first because that's the way  
20 my question was phrased.

21 A Yeah, I don't know.

22 Q As you sit here today can you recall any  
23 letter in the last, I don't know, five years that you  
24 recall seeing being signed off by an associate or  
25 somebody not you?

1 And have any of them ever had cases by  
2 themselves?

3 A No.

4 Q Have any of them ever -- strike that.

5 Have any of them ever sent a demand letter of  
6 any kind with their name on it instead of yours?

7 A I don't believe so.

8 Q As you sit here today are there instances  
9 where letters are sent by your associates with your  
10 name at the bottom that you haven't seen?

11 A I don't know.

12 Q Do you let your associates take depositions?

13 A Bill Gordon takes a lot of depositions from  
14 my office.

15 Q Anybody else?

16 A No. I should say when there are depositions  
17 to be taken. Sometimes there just aren't depositions  
18 to be taken so no one's taking them.

19 Q The majority of your cases do they involve  
20 depositions?

21 A I can't answer that. I don't know.

22 Q In other words, you get this potential case,  
23 and you're actually able to, to get settlements without  
24 ever having anybody appear for a deposition?

25 A Yes.

1 don't ask that question.

2 Q Have you ever had a complaint filed where the  
3 statute of limitations had been expired by more than  
4 five years?

5 A No.

6 Q And I guess the question is do you consider a  
7 case to be viable so long as a court hasn't thrown it  
8 out yet?

9 MR. McCARRON: Objection. Try again.

10 Q So the statute of limitations is a defense,  
11 correct?

12 A Yes.

13 Q All right. And so that --

14 MR. McCARRON: Objection. Go ahead.

15 Q -- that defense that could be raised, that's  
16 raised legally after you file a complaint, correct?

17 A Yes.

18 Q All right. And when that happens am I  
19 correct that if the statute of limitations is expired  
20 that a judge can throw it out?

21 MR. McCARRON: Objection.

22 A Yes.

23 Q All right.

24 MR. McCARRON: Well, "throw it out" is  
25 not a term of art, to my knowledge, and -- rule of

1 procedure so ...

2 MR. JUBB: Sure.

3 Q You knew what I meant when I said throw it  
4 out, correct?

5 A Well, can you repeat the question?

6 Q Sure. When you file a complaint -- strike  
7 that.

8 Am I correct that when the statute of  
9 limitations defense is raised in a case -- the statute  
10 of limitations has expired on a case that a court will  
11 dismiss that complaint?

12 MR. McCARRON: Objection.

13 A Yes.

14 Q Can you recall the last time that you had a  
15 case dismissed because a judge said the statute of  
16 limitations had been expired?

17 MR. McCARRON: Objection.

18 A One in Connecticut about two, three years  
19 ago.

20 Q Was that against a private entity or was that  
21 against a church? What was that?

22 A I think it was a private entity. I forget  
23 the name of it now, a school.

24 Q Why did you file that case? Strike that.

25 Did you know the statute of limitations had

1 expired when you filed that case?

2 MR. McCARRON: Objection.

3 A It was a question of -- no.

4 Q Am I correct that with respect to Mr. Poulos,  
5 you knew that the statute of limitations had expired  
6 for any of his claims, correct?

7 A Yes.

8 MR. JUBB: I'm going to be handing you  
9 what is being marked as Garabedian 8 and 9. Garabedian  
10 8 is going to be Garabedian Email 57, and Garabedian 9  
11 is going to be Garabedian Email 59. And excuse me,  
12 these are double-sided. So Garabedian 8 is actually  
13 Email 57 and 58, and Garabedian 9 is Garabedian Email  
14 59 and 60.

15 (Exhibits 8 & 9 marked

16 for identification)

17 Q Have you seen these before, Mr. Garabedian?

18 A I don't remember.

19 Q All right. Well, in Garabedian 8, which is  
20 Garabedian Email 57 and 58, is this an email from  
21 Mr. Poulos to you?

22 A Apparently.

23 Q Okay. And he's saying in here: I haven't  
24 heard from you in quite some time. I was just  
25 wondering if you have any updates concerning my case

1 A We have Microsoft Outlook.

2 Q Okay. And in doing that did you search for  
3 emails from Mr. Poulos?

4 A I don't recall.

5 Q Is there anything about how you practice law  
6 as to why you're forwarding this to Mr. Gaul?

7 A I don't understand your question.

8 Q Sure. Why are you sending this to Mr. Gaul?

9 A I don't recall.

10 Q Well, can you think of any reason why you  
11 would be sending this to, to Mr. Gaul?

12 A I'd only be guessing.

13 Q Well, I certainly don't want you to guess.  
14 But is there any practice that you had of forwarding  
15 emails to your associates who are handling cases?

16 A Yes.

17 Q Was this Mr. Gaul's case?

18 A I don't remember.

19 Q Whose case was this?

20 A I don't know.

21 Q Was it yours?

22 A Well, they're all mine.

23 Q In other words, whatever Mr. Gaul did, that's  
24 on you, right?

25 A Yes.

1       yours, Jeff?

2                   MR. McCARRON:   No, I only have one.

3                   MR. JUBB:    Okay.    So just 63.

4       BY MR. JUBB:

5           Q       Mr. Garabedian, at the bottom of this it  
6       looks like there was an email from you to Tom Rees  
7       cc'ing Mr. Gaul dated December 18th, 2018.   Do you see  
8       that?

9           A       Yes.

10          Q       And in this email you write to Mr. Rees  
11       saying:   As you know, this office represents Kurtis  
12       Poulos with regard to a childhood sexual abuse claim --

13                   MR. McCARRON:   You might want to go slow  
14       for the court ...

15          Q       -- involving Matthew B. Ralston and The Hill  
16       School.   Please contact me so that we can discuss this  
17       matter.   Did you write this email or did somebody else  
18       write it?

19          A       I don't recall.

20          Q       Okay.   In other words, as of December 2018  
21       there were folks that could write emails on your  
22       behalf?

23          A       Maybe, but I don't know.

24          Q       Do you believe you wrote this?

25          A       I don't recall.   I don't know specif -- I

1       don't recall specifically so I can't tell you.

2               Q       Okay. Well, when the weatherman reports that  
3       it's going to be pouring rain tomorrow, absolutely  
4       pouring rain --

5               MR. McCARRON: Do you really want to do this?  
6       Do you really want to do this? You want me to --

7               MR. JUBB: I'm just trying to  
8       understand --

9               MR. McCARRON: No. No. Do you want me  
10       to send to the court the, the way in which you think is  
11       a proper -- appropriate to handle a deposition?

12              MR. JUBB: I don't care what you send to  
13       the court.

14              MR. McCARRON: Is that right? You  
15       really don't care what I --

16              MR. JUBB: I think when they see the way  
17       he's responding to these questions --

18              MR. McCARRON: I see.

19              MR. JUBB: It's --

20              MR. McCARRON: That what?

21              MR. JUBB: It's embarrassing.

22              MR. McCARRON: That what? That what?  
23       There's some violation of a rule that you just -- which  
24       is what I'm talking about with respect to your behavior  
25       now.

1 MR. JUBB: Yeah, you have. So if  
2 you're --

3 MR. McCARRON: Make a statement with a  
4 question mark at the end. That's the way this is going  
5 to go.

6 BY MR. JUBB:

7 Q Okay. Pay attention to, to my question.  
8 Strike that.

9 MR. McCARRON: You don't need to do  
10 that. Please don't be rude.

11 Q Mr. Garabedian, as of December of 2018 was  
12 there anybody else that had access to your email  
13 account?

14 A Well, I imagine individuals in my office  
15 could have.

16 Q Okay. And when you say individuals in your  
17 office is that referring to your associates?

18 A Yes.

19 Q Okay. And am I correct that as of December  
20 of 2018 it was possible that one of your associates  
21 sent this email to Mr. Rees?

22 A I don't recall.

23 Q Is it possible, sir?

24 A If it happened at all. I don't know -- I  
25 don't know.

1 Q And if you don't know that's because you  
2 can't say with any degree of certainty that your  
3 associates didn't send an email, fair?

4 A I don't know what -- I specifically don't  
5 recall this.

6 Q I know that.

7 A Then -- well, I'm trying to answer your  
8 question. You don't have to, you don't have to like  
9 yell at me, okay.

10 Q I'm not yelling at you, sir. I'm asking you  
11 whether or not it's possible that one of your  
12 associates wrote this email. Can you answer that  
13 question?

14 A I don't know.

15 Q But your associates did have access to your  
16 email at this time, correct?

17 A Sure.

18 Q And there were other instances that you can  
19 recall that your associates have actually written  
20 emails under your email address to other folks,  
21 correct?

22 A Sure.

23 Q Now, at the top of this Garabedian 11 which  
24 is Garabedian 63, it's an email from Mr. Rees to your  
25 email address, not necessarily you, saying:

1 Mr. Garabedian: Let us schedule a call later this  
2 week. I have no schedule conflicts tomorrow until 4,  
3 no conflicts on Thursday until noon, and no conflicts  
4 Friday. Did it appear to you from this email  
5 assuming -- strike that.

6 The top email is from Mr. Rees to your email  
7 address, correct?

8 A Yes. Apparently.

9 Q Do you believe you read this?

10 A I don't recall reading it.

11 Q Do you read the emails that are sent to you,  
12 sir?

13 A Yes.

14 Q Okay. Do you believe that you read this  
15 email based on that statement?

16 A I don't recall reading it. That's what I --  
17 I know that's ...

18 Q When Mr. Rees says that he tried several  
19 times to reach you, it will be helpful to finally have  
20 a chance to speak, does that refresh your recollection  
21 as to whether or not you ever spoke with Mr. Rees  
22 between December of 2018 and the time you wrote that  
23 letter?

24 A I do recall speaking to Mr. Rees, but I don't  
25 recall when. And I re -- I don't recall the specific

1 A Yes.

2 Q All right. And did Mr. Poulos tell you that?

3 A I don't recall.

4 Q Did Mr. Poulos tell you that he, he would not  
5 agree to any sort of confidentiality?

6 A I don't recall.

7 Q What did you mean by attend a mediation if  
8 Mr. Poulos's claim is found credible following an  
9 investigation?

10 A Just what it says.

11 Q In other words, if they found him to be  
12 incredible, mediation wouldn't be happening; is that  
13 right?

14 A That's what the le -- all I -- what the  
15 letter says is attend a mediation if Mr. Poulos's claim  
16 to file -- claim is found credible following an  
17 investigation.

18 Q Do you recall as to whether or not Mr. Rees  
19 ever asked for your participation in any sort of  
20 investigation?

21 A I don't recall.

22 MR. JUBB: I'm going to hand you -- or  
23 mark this as Garabedian 14. It's Garabedian 51.

24 (Exhibit 14 marked  
25 for identification)

1 Q Did Mr. Rees have any understanding that he  
2 was getting emails from lawyers that were not actually  
3 you?

4 A You'd have to ask him.

5 Q But, but you don't have a practice of telling  
6 opposing counsel that, do you?

7 A No.

8 Q Do you have a practice of telling anybody  
9 that your associates are actually sending emails from  
10 you?

11 A I don't know. I mean what do you mean?

12 Q Sure. Do the people that you send emails to,  
13 do they know that in fact it could be coming from one  
14 of your associates?

15 A Some might.

16 Q Do, do you know if Mr. Rees knew?

17 A I have no idea.

18 Q So in this where it says: The School's  
19 outside attorneys, Gina Smith, Esquire and Leslie  
20 Gomez, Esquire, would like to meet with Mr. Poulos in  
21 your presence and in your offices to discuss the facts  
22 and issues presented in the December 26th letter. As  
23 you may know, Ms. Smith and Ms. Gomez are partners at  
24 Cozen O'Connor in Philadelphia, and both have extensive  
25 backgrounds in investigating and prosecuting cases of

1 MR. McCARRON: Let's hear a question if  
2 you can.

3 MR. JUBB: Okay.

4 BY MR. JUBB:

5 Q Mr. Garabedian, at any point in time did you  
6 provide dates to counsel for The Hill School that your  
7 client would appear at any point for an investigation?

8 A No.

9 MR. McCARRON: Objection.

10 Q Why not?

11 A The reasons are set forth in Exhibit 12.

12 Q No where else, right?

13 A I don't recall.

14 Q \*At any point in time did Mr. Rees ever  
15 indicate to you that part of any investigation would  
16 involve actually questioning your client?

17 THE WITNESS: Can you repeat the  
18 question. I'm sorry I didn't hear the last two words.

19 (\*Record read)

20 A I don't recall.

21 Q Well, based on doing this, you know, 500 some  
22 cases you've got for the last five years, is it  
23 reasonable for a defend -- for some -- strike that.

24 Is it reasonable, sir, when a lawyer asks to  
25 speak with your client in your own offices to conduct

1 wrote this letter or someone else wrote it, fair?

2 A I don't remember specifically writing this  
3 letter.

4 Q Okay. And if you don't remember am I correct  
5 it's possible that someone else could have written this  
6 letter; is that correct?

7 A I, I -- all I can say is I don't specifically  
8 remember writing this letter.

9 Q All right. And as of December of 2018 am I  
10 correct in understanding that other associates at your  
11 firm had the ability to draft letters like this on your  
12 letterhead with your name at the bottom?

13 A Yes.

14 Q And I take that to mean that in this case  
15 that could have happened, but we can't say one or the  
16 other; is that fair?

17 A Yes.

18 Q Now, in looking at this on the second page,  
19 which is Hill production 226, do those initials appear  
20 to be your handwriting?

21 A I'm not sure.

22 Q Okay. At the top of this production it says  
23 December 26, 2018, 4:51 p.m., Mitchell Garabedian Law  
24 with a number there. Was this faxed to the school?

25 A Apparently.

1 Q Strike that.

2 This was a fax to Mr. Rees, correct?

3 A I bel -- well, apparently, based on the way  
4 the letter is structured. I mean at the top of the  
5 letter on the first page it says via fax, and there's a  
6 fax number. That looks like my signature.

7 Q All right. Did you review this letter in  
8 anticipation of today?

9 A I believe it was an exhibit in a deposition.

10 Q \*And in going through this letter that your  
11 office sent to Mr. Rees on December 26, 2018, did you  
12 recall actually speaking with Mr. Poulos about some of  
13 the things that are claimed in this letter?

14 THE WITNESS: Can you repeat the  
15 question, please.

16 (\*Record read)

17 A I spenf -- specifically don't remember, but I  
18 do -- I did speak to Mr. Poulos.

19 Q Have you had any discussions with the  
20 attorneys in your office as to who wrote this letter?

21 A No. Not recently. I may have in the past,  
22 but I don't recall those discussions.

23 Q After you were sued in this matter did you  
24 make any sort of efforts to determine who was the  
25 attorney who actually wrote these letters on your

1 letterhead and sent them to The Hill School?

2 A No. I don't recall doing that.

3 Q When you got the complaint and looked at the  
4 exhibits do you recall having any sort of recollection  
5 or impression, if you will, that, oh, yeah, that's the  
6 letter that I, that I wrote?

7 A I don't recall that.

8 Q Did you have -- strike that.

9 In reviewing the complaint and the exhibits  
10 attached thereto did you have any sort of feeling or  
11 reaction that in reviewing these letters you said I  
12 didn't write those letters?

13 A I don't recall that.

14 Q When -- strike that.

15 In the 2018/2019 timeframe when clients are  
16 asking you for an update via email was there a, a  
17 pattern and practice of writing to them?

18 A No, not necessarily.

19 Q Do you have any records suggesting that you  
20 were speaking with -- strike that.

21 MR. JUBB: This is going to be  
22 Garabedian 17 which is Garabedian Email 67.

23 (Exhibit 17 marked  
24 for identification)

25 Q Again, any recollection of receiving this

1 to Mr. Poulos's deposition, correct?

2 A Are you referring to Exhibit 17?

3 Q I am, sir.

4 A Yeah.

5 Q Do you recall Mr. Poulos's testimony that he  
6 was referring to the initial phone interview, that  
7 intake process that he hasn't heard from your office  
8 since then?

9 A No.

10 Q Do you have any reason to disagree with him  
11 that he hadn't heard from your office for an update  
12 after his initial interview?

13 A No.

14 MR. JUBB: Why don't we take a five-to-  
15 ten-minute break so if anyone needs to -- I think  
16 Mr. Poulos had indicated he has to take his dog out.

17 MR. McCARRON: Mr. Poulos, this is your  
18 chance to take your dog out, okay.

19 MR. POULOS: He's fine.

20 MR. JUBB: Okay.

21 MR. McCARRON: I'm not telling you not  
22 to -- well, do what you want.

23 MR. JUBB: It's 12:50. I mean let's do  
24 a five-minute break.

25 THE VIDEOGRAPHER: The time is

1 12:50 p.m. We're off the record.

2 (Break was taken.)

3 THE VIDEOGRAPHER: The time is  
4 12:58 p.m. We're on the record.

5 MR. McCARRON: I have an objection to  
6 your last question because I do not believe it was  
7 bas -- good -- expressed on a good faith basis since  
8 you are aware, Mr. Jubb, that there's substantial  
9 evidence of communication that existed between the  
10 Garabedian firm and Mr. Poulos in between the initial  
11 intake interview and the point in time that is  
12 referenced in Garabedian Exhibit 17.

13 MR. JUBB: Okay.

14 BY MR. JUBB:

15 Q Mr. Garabedian, after you were sued in this  
16 case did you have any discussions with Mr. Poulos?

17 A I don't recall. I think there were some  
18 discussions about my representing him.

19 Q After you were first sued and he was also  
20 named as a defendant did you provide Mr. Poulos with  
21 any sort of legal advice?

22 A I don't recall.

23 Q So in terms of Mrs. Poulos's discussions that  
24 you had with her do you have any recollection of ever  
25 communicating with her by email?

1 Q And at the top of his handwritten notes it  
2 says: MG, NG. Does that mean that you were likely on  
3 this phone call?

4 A Yes.

5 Q Can you go to Garabedian File 24, please.

6 A Sure. Yes.

7 Q All right. Whose handwriting is this?

8 A It's not mine. I think it's Nathan's.

9 Q Okay. And it says: MG tells client the  
10 school is giving us the runaround. Have you ever told  
11 a client that someone's giving them the runaround?

12 A I don't specifically recall, but, you know,  
13 it's happened.

14 Q Is that an expression you use?

15 A What?

16 Q Someone's giving you the runaround?

17 A Not commonly but ...

18 Q As of April 3rd, 2019 -- strike that.

19 Do you have any reason to believe that  
20 Mr. Gaul inaccurately documented the notes of your  
21 discussion with Mr. Poulos?

22 A No.

23 Q Do you believe based off this that you told  
24 Mr. Poulos the school was giving you the runaround?

25 A Yes.

1           Q    Can you tell us in your own words what, what  
2   you believe the school would be doing that was giving  
3   you the runaround?

4           A    I don't recall.

5           Q    So in other words, from the time that  
6   Mr. Poulos contacted you to the first time you  
7   contacted the school to today, you can't think of any  
8   reason as you sit here as to why the school was -- or  
9   strike that.

10               As you sit here today, you can't think of any  
11   reason or any example of the school giving you the  
12   runaround?

13               MR. McCARRON:   Objection.

14           A    Well, we had asked them for certain  
15   conditions as preconditions to the investigation, and  
16   they didn't agree apparently.

17           Q    \*Is it your testimony that Mr. Poulos would  
18   not agree to an investigation unless the school agreed  
19   to mediate after the investigation?

20               THE WITNESS:   Can you repeat the  
21   question?

22               (\*Record read)

23           A    Well, I set it for -- set forth the position  
24   in my letter and your ...

25               MR. McCARRON:   Exhibit 12.

1 Q I can read what the letter says.

2 A Okay.

3 Q Is it your testimony that that letter was  
4 intended to express to The Hill School that Mr. Poulos  
5 would not appear for an investigation unless they said  
6 to you we'll agree to a mediation following the  
7 investigation if he's found credible?

8 A That's what the letter says.

9 Q Okay. And so did the school ever contact  
10 you --

11 A And they agree to not impose a  
12 confidentiality agreement.

13 Q And in other words, if the school did not get  
14 back to you and say we'll mediate this case -- strike  
15 that.

16 Is it your testimony that if the school did  
17 not respond saying we'll agree to mediate this if after  
18 the investigation he's found credible, that there was  
19 no further discussion that was needed to be had?

20 A And they'd have to agree to no  
21 confidentiality.

22 Q And if they did that then you would have  
23 what, responded to their emails?

24 A I would have proceeded with an  
25 investigation -- in the investigation.

1 information bureau.

2 Q Does that refresh your recollection as to  
3 what a background check is? No.

4 A Not really.

5 Q Okay.

6 A Because background check was so broad. If  
7 you asked me if I obtained his criminal record, I would  
8 have just answered it.

9 Q I see. Because the first time you obtained  
10 his criminal record was after you got sued, correct?

11 A Apparently.

12 Q And did you review it?

13 A Yes.

14 Q Did you see that he was charged with  
15 enticing -- child enticement?

16 A Where is -- there's not -- there was no  
17 prosecution.

18 Q My question was did you become aware that he  
19 was charged with child enticement?

20 A When I read the record, yes. But it was  
21 dismissed or there was no prosecution of it.

22 Q And did you look into that through court  
23 records or did you just talk with Mr. Poulos about it?

24 A I look -- I --

25 MR. McCARRON: Objection.

1 We're off the record.

2 (Break was taken.)

3 THE VIDEOGRAPHER: The time is 1:54 p.m.

4 We're on the record.

5 BY MR. JUBB:

6 Q Mr. Garabedian, did you review Mr. Poulos's  
7 Hill School files?

8 A I don't recall.

9 Q Do you know whether or not any of your  
10 associates did?

11 A I don't recall specifically.

12 Q Would it have been your pattern to review  
13 Mr. Poulos's school file since that's the entity to  
14 which your letter was directed?

15 A Well, when you say you, someone from my  
16 office if not me.

17 Q Okay. To the extent that you had obtained  
18 any records for Mr. Poulos from any sort of  
19 authorization or FOIA request, whatever it may have  
20 been, would those records have been included in his  
21 file?

22 A Yes.

23 Q And those records would have been copied and  
24 produced; am I correct?

25 A Yes.

1           A     I don't have a photograph of it happening.  
2     Of the abuse happening.

3           Q     Okay. Well, am I correct that at the time  
4     you wrote the letter did you even know as to whether or  
5     not he was a student at The Hill School?

6           A     Yes, I believed Mr. Poulos.

7           Q     You believed him in that, right?

8           A     Yes.

9           Q     But am I correct that you had no independent  
10    corroboration that he even was a student there, right?

11          A     I don't recall.

12          Q     Am I correct that as of the time that you --  
13    that the letter came from your office did you have any  
14    information other than Mr. Poulos's statement that he  
15    was in Mr. Ralston's geometry class that that was true?

16          A     I don't recall.

17          Q     Okay. So other than the fact that Mr. Poulos  
18    went to The Hill School and was in Mr. Ralston's  
19    geometry class is there any evidence that you've seen  
20    that you've obtained after you sent your, your letter  
21    and after you've been sued that you believe  
22    corroborates Mr. Poulos's testimony or allegations  
23    here?

24          A     I'd have to look at the file. I don't  
25    recall. It was a deep file.

1 Q And in there at any point in time did you  
2 tell Mr. Poulos that you could not represent him,  
3 period?

4 MR. McCARRON: In this case.

5 MR. JUBB: My question just said did you  
6 tell him that you could no longer represent him,  
7 period.

8 MR. McCARRON: The discussion was about  
9 this case. The conversations, as you know, reflected  
10 in the -- is about the representation for this case.

11 MR. JUBB: I see.

12 Q So --

13 MR. POULOS: Asked and answered.

14 Q Okay. So --

15 MR. POULOS: It's asked and answered.

16 Q So when you requested his medical records and  
17 those authorizations, what case did that have to do  
18 with?

19 A His claim.

20 Q His claim. What claim?

21 A The sexual abuse claim.

22 Q Okay. And where are you with that?

23 A It's dormant.

24 Q Have you ever contacted the school again?

25 A No.

1 Q You never filed anything, right?

2 A I just told you it's dormant.

3 Q You never reached out to local counsel,  
4 right?

5 A I just told you it's dormant.

6 Q It's dormant. How long is it going to be  
7 dormant?

8 A I don't know.

9 Q When are you going to file something?

10 A I don't know.

11 Q When was the last time you talked to  
12 Mr. Poulos?

13 A It's in the notes. I, I don't know.

14 Q When he sued you and said that you told him  
15 there was a conflict of interest and he sued you for  
16 legal malpractice did you ever become aware of that?

17 A If it's in the pleadings.

18 Q Is that because you read the pleadings?

19 A Please don't make faces at me.

20 Q I'm just trying to get an under -- all this  
21 would be unnecessary, but now I have to lay, you know,  
22 a foundation for Fort Knox over here.

23 But at some point in time you had a  
24 conversation with Mr. Poulos -- strike that.

25 Am I correct that Mr. Poulos filed a legal

1 MR. McCARRON: Press conferences?

2 MR. JUBB: Yeah.

3 MR. McCARRON: Is there a press  
4 conference that I'm unaware of, that I'm so ignorant of  
5 in this case because I don't -- you're -- is there a  
6 press conference that occurred with respect to  
7 Mr. Poulos?

8 MR. JUBB: I don't know. I'll ask that  
9 question first.

10 BY MR. JUBB:

11 Q You didn't have a press conference for this  
12 one yet, did you?

13 A Can you repeat the question?

14 Q Did you have a press conference as it  
15 pertained to Mr. Poulos?

16 A Not that I recall.

17 Q Okay. Well, am I correct that over the last  
18 five years you've given more press conferences than you  
19 have tried cases to verdict?

20 MR. McCARRON: Objection.

21 A Yes.

22 Q What's your understanding as to when  
23 Mr. Poulos told his mother of these allegations?

24 A It's in the file. You'd have to look.

25 Q In other words, what's written in your notes?

1           A     No, I -- not that I recall.

2           Q     Do you know whether or not you can  
3 represent -- strike that.

4                     In Massachusetts can you represent a client  
5 on a contingent basis without a Contingent Fee  
6 Agreement?

7           A     I don't believe so.

8           Q     Have you reviewed any of the documents that  
9 were produced by my client in this case responsive to  
10 your discovery requests?

11          A     No.

12          Q     Has anyone from your office reviewed those  
13 documents that you're aware of?

14          A     Not that I know of.

15          Q     After your office was sued -- strike that.

16                     After you received the initial complaint did  
17 you have any sort of meeting with the associates that  
18 were involved in Mr. Poulos?

19          A     With regard to this matter or just meeting  
20 them every day? I mean I don't know ...

21          Q     No, I don't care to know what -- you know,  
22 you guys meet in the lunch room. I'm specifically  
23 talking about this case so I'll clarify for you.

24                     At any point in time after you were sued did  
25 you have a meeting with your associates about the

1       claims that were made against you?

2           A       There were discussions.

3           Q       Can you tell me about those discussions,  
4       please.

5           A       I don't recall specifically.

6           Q       What do you -- where did it occur?

7           A       My office.

8           Q       Who, who attended?

9           A       My associates.

10          Q       Which associates?

11          A       William Gordon.

12          Q       Who else?

13          A       I'm not sure.

14          Q       Mr. Gaul?

15          A       I may have had a few brief discussions with  
16       him.   I'm not sure.

17          Q       What about Mr. Mahoney?

18          A       Maybe a few brief discussions.

19          Q       And that would have occurred in April of 2019  
20       or at least after April 2019, correct?

21          A       Maybe.

22          Q       Did this meeting take place in a conference  
23       room in your office?

24          A       Oh, it wasn't a group meeting if, if there  
25       was like a meeting.

1 Q Were you doing any sort of independent  
2 investigation into the claims that were being made  
3 against you?

4 A No.

5 Q And in these discussions with Mr. Gordon what  
6 did you talk about?

7 A I don't recall.

8 Q What about Mr. Gaul, what did you talk about?

9 A I don't recall.

10 Q Mr. Mahoney?

11 A I don't recall.

12 Q Did you ever ask anybody in your office who  
13 wrote these letters?

14 MR. McCARRON: You already asked him  
15 that.

16 MR. JUBB: I don't believe I did.

17 A I don't recall.

18 MR. JUBB: Let's take two minutes.

19 THE VIDEOGRAPHER: The time is 2:28 p.m.  
20 We're off the record.

21 (Break was taken.)

22 THE VIDEOGRAPHER: The time is 2:34 p.m.  
23 We're on the record.

24 BY MR. JUBB:

25 Q Mr. Garabedian, take us through the process

1 representative here?

2 A I don't recall.

3 Q Well, do you, you know, keep track of these  
4 types of things?

5 A No.

6 Q No. So if --

7 A I get a lot of phone calls.

8 Q Sure. Sure.

9 But have you ever had any discussion that you  
10 can recall trying to change the statute of limitations  
11 in Pennsylvania?

12 A I don't know. I'm not sure.

13 Q And when you say you're not sure am I correct  
14 that nothing comes to mind?

15 A That's right. I mean there are -- I may have  
16 been interviewed by newspapers or the media in  
17 Pennsylvania about the statute of limitations. I may  
18 have been contacted by groups. I, I don't recall.

19 Q What groups?

20 A I don't know.

21 Q When you say you may have been contacted,  
22 when was that?

23 A Through the years. I mean a lot of years.

24 Q You've never -- strike that.

25 Am I correct you've never filed a case in

1 Pennsylvania? I thought that's what your testimony was  
2 previously.

3 A I, I believe you're cor -- I have not. I  
4 don't believe I have.

5 Q In this instance you never contacted any  
6 local counsel, correct?

7 A No. Correct. Sorry.

8 MR. JUBB: I believe we -- this was  
9 already marked unless I'm mistaken. I'm just going to  
10 remark this, if it was so forgive me.

11 MR. McCARRON: Which is it?

12 MR. JUBB: Garabedian 47. Garabedian  
13 File 47. Yeah, we did. It's actually 12. Oh, no,  
14 that's the difference because there's Garabedian File  
15 27.

16 So for the record, I'm going to mark as  
17 Garabedian 20, a document that was previously produced  
18 as Garabedian File 47.

19 MR. McCARRON: And is that the same as  
20 Garabedian -- it is, 12. Why are you doing that?

21 MR. JUBB: It's not. That's  
22 Garabedian -- see, this is the way you guys Bates it.

23 MR. McCARRON: Oh, I'm sorry. File 47,  
24 sorry. Okay.

25 MR. JUBB: You can mark that for me.

1 records being received after the letter. So you don't  
2 need to include it. Just ask the question, whatever it  
3 was. I don't even remember at this point what you  
4 were -- the fact you were trying to learn, but it  
5 didn't relate to that.

6 MR. JUBB: Okay.

7 BY MR. JUBB:

8 Q Mr. Garabedian, did -- prior to writing the  
9 letter am I correct that you have no knowledge, as you  
10 sit here today, to suggest that you did receive  
11 Mr. Poulos's records by then?

12 A I don't recall.

13 Q And since you don't recall receiving them,  
14 you can't say one way or the other as to whether or not  
15 you reviewed them prior to writing the letter; is that  
16 correct?

17 A Correct.

18 Q And after you had writ -- strike that.  
19 After the April 11th, 2018 letter am I  
20 correct at some point you received Mr. Poulos's Hill  
21 School records?

22 A I don't recall.

23 Q Do you have any recoll --

24 MS. DOUGHERTY: Objection.

25 MR. JUBB: Is there two --

1 such as discovery indexes or document indexes, anything  
2 like that?

3 A In some cases, yes.

4 Q Did you see anything like that for this case?

5 A I don't recall.

6 MR. JUBB: Those are all the questions  
7 that I have.

8 MR. McCARRON: Mr. Poulos?

9 MR. JUBB: Mr. Poulos, can you hear us?

10 MR. POULOS: Yes, I can hear you.

11 MR. JUBB: Okay. You're up.

12 MR. McCARRON: Do you have any  
13 questions, sir?

14 MR. POULOS: I just have a couple of  
15 questions regarding the Cozen firm.

16 CROSS-EXAMINATION

17 BY MR. POULOS:

18 Q There's an article in the New York Times  
19 dated back to I believe 2017 with Mitchell, and I had  
20 asked Mitchell and I will repeat the question: Do you  
21 believe I should get counsel before I speak to --  
22 excuse me for a second while I flip the page, the  
23 attorneys Leslie Gomez and Gina Smith, and in light of  
24 that, I found this article where Mitchell gave an  
25 interview. Mitchell, do you remember giving that

1 interview to the New York Times?

2 A No, I don't. Sorry.

3 MR. POULOS: Am I allowed to read off of  
4 the actual article?

5 MR. McCARRON: If it involves a  
6 question. Do you have a question?

7 MR. POULOS: No, if I'm not allowed to  
8 read verbatim what was transcribed in the article  
9 then, no, I don't have a question. I just wanted to  
10 know if he remembered giving the interview about the  
11 Cozen firm which was representing themselves for the, The  
12 Hill School.

13 MR. McCARRON: All right. Mr. Poulos, I  
14 don't mean to, to tell you you can't ask a question.  
15 All I'm saying to you is it's not a question just to  
16 read the statement, but if you need to read the  
17 statement or some portion of the article in order to --  
18 as part of a question, you can certainly do that.

19 MR. POULOS: Well, no, my question was  
20 if he remembered actually giving the --

21 MR. McCARRON: I understand.

22 MR. POULOS: -- interview.

23 MR. McCARRON: Okay.

24 MR. POULOS: If he doesn't --

25 MR. McCARRON: Very good.

1 MR. POULOS: -- then there's no point in  
2 me reading it out loud.

3 MR. McCARRON: Gotcha. All right. So  
4 any other questions?

5 MR. POULOS: Not at this time.

6 MR. McCARRON: All right. Are we done?

7 MR. JUBB: Yes.

8 MR. McCARRON: Okay. We're going to go  
9 off the record. Thank you, Mr. Poulos.

10 THE VIDEOGRAPHER: This concludes  
11 today's video deposition of Mitchell Garabedian. The  
12 time is 3:03 p.m. We're off the record.

13 (Whereupon the deposition was  
14 concluded at 3:03 p.m.)  
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## 1 CERTIFICATE

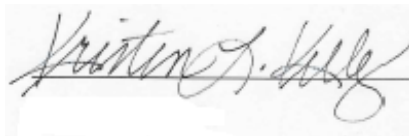
2 Commonwealth of Massachusetts

3 Suffolk, ss.

4  
5 I, Kristen L. Kelly, Registered Professional  
6 Reporter, CSR and Notary Public in and for the  
7 Commonwealth of Massachusetts, do hereby certify that  
8 MITCHELL GARABEDIAN, the witness whose deposition is  
9 hereinbefore set forth, was duly sworn by me and that  
10 such deposition is a true record of the testimony given  
11 by the witness.

12 I further certify that I am neither related to or  
13 employed by any of the parties in or counsel to this  
14 action, nor am I financially interested in the outcome  
15 of this action.

16 In witness whereof, I have hereunto set my hand  
17 this 5th day of July, 2021.

18  
19 

20 \_\_\_\_\_  
21 CSR No. 115893

22  
23 My Commission Expires:

24 February 3, 2023  
25

1 Jeffrey B. McCarron, Esquire

2 jmccarron@swartzcampbell.com

3 July 6, 2021

4 RE: Doe, John v. Garabedian, Mitchell Esq Et Al

5 6/24/2021, Mitchell Garabedian (#4638046)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 erratas-cs@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of transcript.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21  
22 Yours,

23 Veritext Legal Solutions  
24  
25

1 Doe, John v. Garabedian, Mitchell Esq Et Al

2 Mitchell Garabedian (#4638046)

3 E R R A T A S H E E T

4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

5 \_\_\_\_\_

6 REASON\_\_\_\_\_

7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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9 REASON\_\_\_\_\_

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21 REASON\_\_\_\_\_

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23 \_\_\_\_\_

24 Mitchell Garabedian

Date

25 \_\_\_\_\_

1 Doe, John v. Garabedian, Mitchell Esq Et Al  
 2 Mitchell Garabedian (#4638046)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Mitchell Garabedian, do hereby declare that I  
 5 have read the foregoing transcript, I have made any  
 6 corrections, additions, or changes I deemed necessary as  
 7 noted above to be appended hereto, and that the same is  
 8 a true, correct and complete transcript of the testimony  
 9 given by me.

10  
 11 \_\_\_\_\_  
 12 Mitchell Garabedian

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16  
 17  
 18 \_\_\_\_\_  
 19 NOTARY PUBLIC

Zachary G. Lehman

1 CERTIFICATE

2

3 I, DONNA A. BITTNER, RMR-CRR and NJ  
4 CSR License No. 30XI00179000, do hereby  
5 certify that prior to the commencement of the  
6 examination, ZACHARY G. LEHMAN, was duly  
7 remotely sworn by me to testify to the truth,  
8 the whole truth and nothing but the truth.

9

10 I DO FURTHER CERTIFY that the  
11 foregoing is a verbatim transcript of the  
12 testimony as taken stenographically by me at  
13 the time, place and on the date hereinbefore  
14 set forth, to the best of my ability.

15

16 I DO FURTHER CERTIFY that I am neither  
17 a relative nor employee nor attorney nor  
18 counsel of any of the parties to this action,  
19 and that I am neither a relative nor employee  
20 of such attorney or counsel, and that I am  
21 not financially interested in this action.

22

23

24



25 DONNA A. BITTNER, RMR-CRR  
26 NJ CSR No. 30XI00179000  
27 Notary Public  
28 Dated: September 30, 2021

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